Revised Statutes of 1950, comprised of R.S. 17:187.1 through 187.5, is hereby enacted to read as follows:
§187.1. Short title
This Subpart shall be known as the “Computer Science Education Act”.
§187.2. Computer science education; legislative findings; intent
A. The legislature finds the following:
(1) Computer science is a transforming industry that bolsters productivity, drives innovation, and creates commerce.
(2) Knowledge of computer science and the use of technology is essential for all individuals, not just those working or planning to work in the technology sector.
(3) Cross-curricular instruction at all grade levels in computer science will enhance student achievement in core subjects, increase student motivation for learning, and develop a skilled workforce.
(4) Positions related to computer science are some of the fastest-growing in the global economy, yet many of those positions remain unfilled. In order to fill those positions, a comprehensive computer science education strategy needs to be integrated into the elementary and secondary grades that flows seamlessly into career and postsecondary education pathways.
(5) In Louisiana, the fastest growing industry is Professional, Scientific, and Technical Services which is composed of much of the technology industry. Software developers and network administrators are among the ten fastest-growing occupations in the state requiring a college education, yet the state is producing fewer than half of the graduates needed to fill computer science-related jobs.
(6) Successful completion of rigorous postsecondary computer science programs requires a thorough foundation at the elementary and secondary education level.
(7) It is in the public interest that a comprehensive computer science education initiative be undertaken to ensure Louisiana has citizens who have the expertise to perform the technology skills embedded in most professions, with an emphasis on the ever-increasing workforce demands in the technology sector and who can envision and grow the next generation of technological advances.
(8) In order to fulfill the need for a comprehensive computer science education, more teachers need to be trained to teach computer science and all schools need to offer computer science courses.
B. It is the intent of the legislature to create a comprehensive statewide computer science education program that benefits all citizens, flows seamlessly between all levels of education, and meets the needs of a dynamic and competitive economy.

§187.3. Computer Science Education Advisory Commission; establishment, members, purpose
A. (1) The Computer Science Education Advisory Commission, referred to in this Chapter as the “advisory commission”, is established to provide recommendations to the State Board of Elementary and Secondary Education (the “board”) on the development and implementation of a state action plan for the delivery of education in computer science in all public schools.
(2) The advisory commission shall be composed of the following members:
(a) One member appointed by the governor,
(b) One member appointed by the president of the Senate,
(c) One member appointed by the speaker of the House of Representatives,
(d) The superintendent of education, or his designee,
(e) A member of the State Board of Elementary and Secondary Education, appointed by the board president,
(f) The commissioner of higher education, or his designee,
(g) A member of the Board of Regents, appointed by the board president,
(h) The executive director of the Louisiana Office of Student and Financial Assistance, or his designee.
(i) The president of the Louisiana Community and Technical College System, or his designee,
(j) The president of the Louisiana State University System, or his designee,
(k) The president of the University of Louisiana System, or his designee,
(l) The president of the Southern University System, or his designee,
(m) The secretary of the Louisiana Workforce Commission, or his designee,
(n) The secretary of the Louisiana Economic Development, or his designee,
(o) A computer science professor appointed by the commissioner of higher education,
(p) A public high school computer science teacher appointed by the president of the Louisiana Chapter of Computer Science Teachers Association,
(q) A public middle school computer science teacher appointed by the president of the Louisiana Chapter of Computer Science Teachers Association,
(r) A public elementary school computer science teacher appointed by the president of the Louisiana Chapter of Computer Science Teachers Association,
(s) A superintendent of a public school system appointed by the Louisiana Association of School Superintendents,
(t) The executive director of the Louisiana Association of Charter Schools, or his designee,
(u) The executive director of the Louisiana School Boards Association, or his designee,
(v) The chairman of the Senate and House committees on education, or their designees,
(w) The president of the Louisiana Association of Independent Colleges and Universities, or his designee.
(3) The members shall serve without compensation, except for per diem or reimbursement of expenses to which they may be entitled as members of the constituent organizations.
(4) The state superintendent of education shall call an organizational meeting of the advisory commission by August 15, 2022. The advisory commission shall...
elect a chairman and any other officers deemed necessary from among the membership at such meeting. Thereafter, the advisory commission shall meet under the chairmanship of the chairman.

(5) A majority of the total membership shall constitute a quorum of the advisory commission, and any official action taken by the advisory commission shall require an affirmative vote of the majority of the quorum present and voting.

(6) The state Department of Education shall provide staff support for the advisory commission.

(7) The advisory commission shall cease to exist on December 1, 2024, unless the State Board of Elementary and Secondary Education provides for the continued existence of the advisory commission through the board's rules and procedures. The board shall inform the Louisiana Law Institute of termination or continuation of the advisory commission.

B. The commission shall work with:

(1) Public library and secondary education administrators and teachers to identify the gaps between computer science education services currently provided and those needed in both the near- and long-term and possible reasons for such gaps.

(2) Faculty members in teacher education programs at postsecondary education institutions and current computer science teachers to identify:

(a) Appropriate computer science education teacher competencies.

(b) Acceptable approaches for current classroom teachers to develop the competencies.

(c) Whether there is a need to create professional development programs to assist current teachers in developing needed computer science education competencies.

(d) Methods to recruit and retain computer science teachers.

(e) Business leaders and postsecondary education institutions to identify computer science workforce needs and the skills postsecondary students need to successfully navigate postsecondary computer science programs.

C. By December 1, 2023, the advisory commission shall provide a report to the State Board of Elementary and Secondary Education on recommendations and items to be addressed in a statewide plan for computer science. At a minimum, the report shall address the following items:

(1) State content standards in computer science for grades kindergarten through twelve.

(2) Coordination of computer science education between elementary and secondary education institutions and the workforce.

(3) Any computer science requirements for high school graduation, postsecondary entrance, and eligibility for the Taylor Opportunity Program for Students.

(4) Standardized computer science teacher training, including certification requirements, preservice training programs, and professional development activities.

(5) Technical assistance grants to public schools needed for the creation and expansion of computer science courses.

(6) Funding strategies for computer science teacher training and expansion of computer science courses offered in public schools.

§187.4. State action plan for computer science education

The State Board of Elementary and Secondary Education, upon recommendations of the Computer Science Advisory Commission and the state Department of Education, shall develop and approve a state action plan for computer science education for kindergarten through grade twelve. The state action plan shall provide for a comprehensive, integrated plan for providing computer science education in Louisiana public schools. The plan shall address instructional strategies, guidelines, content standards, and teacher development. Upon its approval, the State Board of Elementary and Secondary Education shall submit the action plan to the legislature for its review.

§187.5. Funding

The state action plan established pursuant to this Subpart shall be implemented upon the appropriation of funds for this purpose.

Section 2. R.S. 49:1401-1403, relative to certain public benefit programs; to require annual reports from state agencies administering federal and state social services and financial assistance programs; to enhance program integrity; to eliminate fraud, waste, and abuse of federal and state resources; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 21 of Title 49 of the Revised Statutes of 1950, comprised of R.S. 49:1401-1403, is hereby enacted to read as follows:

CHAP TER 21. REPORTS

§1401. Short title

This Chapter shall be known and may be cited as the “Public Benefit Integrity Law.”

§1402. Definition of terms

As used in this Chapter, the following terms have the meanings ascribed to them in this Section unless otherwise clearly indicated by context:

(1) “Agency” means any of the following:

(a) Department of Children and Family Services.

(b) Department of Education.

(c) Louisiana Department of Health.

(d) Louisiana Workforce Commission.

(2) “Program” means any of the following:

(a) Medicaid.

(b) Temporary Assistance for Needy Families (TANF).

(c) Family Independence Temporary Assistance (FITAP).

(d) Supplemental Nutrition Assistance Program (SNAP).

(e) Supplemental Nutrition Assistance Program for Women, Infants, and Children (WIC).

(f) Unemployment Compensation.

(g) Child Care Assistance Program (CCAP).

(3) “Procedural reason” means a reason for an action on a program case related to the receipt or denial of materials or information necessary for determining benefit eligibility.

§1403. Reports

Beginning in 2023, any agency that administers a program shall, no later than February fifteenth of each year, submit a report to the legislature, providing, at a minimum, the following information:

(1) For the current fiscal year, the total dollar amount and percentage of the agency's budget for the program allocated for program integrity and eliminating fraud, waste, and abuse.

(2) A description of the agency's current policies and practices that reduce fraud, waste, and abuse of program benefits.

(3) For the preceding calendar year, the total number of individuals determined by the agency or Legislative Auditor to have improperly received benefits through the program and the total dollar amount of benefits improperly received.

(4) The type and amount of improper payments.

(5) The type and amount of any improper payments prevented, if known.

(6) The dollar amount the state saved in preventing improper payments, and if any, in recouping improper payments.

(7) A description of all policies, processes, and procedures in place at the agency to determine eligibility for the program. The description shall include details about what information the agency verifies or cross-checks through databases and the frequency of that verification or cross-checking.

(8) A description of all policies, processes, and procedures in place at the agency to identify individuals receiving benefits under the program who are no longer eligible to receive benefits and what steps, if any, are taken under what timeline, to remove identified individuals from program participation.

(9) A detailed description of all policies, processes, and procedures in place at the agency to verify federal or state work or work search requirements for benefit eligibility, if applicable.

(10) The frequency with which the agency performs the verification.

(11) A description of any barriers the agency identifies to implementing additional program integrity measures, including privacy or data sharing impediments, administrative burden, and any increase in financial cost.

(12) Any, and all metrics and data points used by the agency to measure success of the program, including all metrics and data points related to program integrity and fraud.

(13) For the preceding calendar year, measures of access in the program, including:

(a) For each month, the number of applications received, the percentage of applications denied, and the percentage of applications denied for procedural reasons.

(b) Monthly call center performance metrics for call centers serving clients and applicants, including the average number of calls and the average and maximum call wait times.

(c) The average caseload per caseworker.

(d) A detailed description of the program's administrative appeals process for clients, including but not limited to the number of hearings requested by clients and the number of hearings waived by clients.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 20, of the Constitution of Louisiana.
Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 543

SENATE BILL NO. 267
BY SENATOR HEWITT

AN ACT
To amend and reenact R.S. 24:53(A)(6) and (7) and R.S. 49:74(A)(6) and (7), to enact R.S. 24:53(A)(6) and (7) and R.S. 49:74(A)(6) and (7), and to repeal R.S. 24:53(H)(2), relative to registration of lobbyists; to provide for required information; to require disclosure of whether the registrant has completed certain required training; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:53(A)(6) and (7) are hereby amended and reenacted and R.S. 24:53(A)(6)(xxxiii) and (8) are hereby enacted to read as follows:

§53. Registration of lobbyists with the board; compilation of information
A. Each lobbyist shall register with the board as soon as possible after employment as a lobbyist or after the first action requiring his registration as a lobbyist, whichever occurs first, and in any event not later than five days after employment as a lobbyist or not later than five days after the first action requiring his registration as a lobbyist, whichever occurs first. He shall electronically file with the board using forms provided by it, the following information:

(4)
(b) Indication of potential subject matters shall be made by choosing from the following potential subject matter categories:

(xxxiii) Appropriations.

(6) If the registrant was a registered lobbyist during the previous calendar year, whether the registrant completed the annual training required pursuant to R.S. 42:1170 for the previous calendar year.

(7) One copy of a two-inch by two-inch recent photograph of the registrant made within the prior six months shall be filed with the initial registration form for a legislative term.

(8) If a lobbyist is compensated for lobbying and non-lobbying services, he shall reasonably allocate his compensation and report only the amount received for lobbying in the manner provided in this Part.

Section 2. R.S. 49:74(A)(6) and (7) are hereby amended and reenacted and R.S. 49:74(A)(6) is hereby enacted to read as follows:

§74. Registration of lobbyists with the ethics board; compilation of information
A. Each lobbyist shall register with the ethics board as soon as possible after employment as a lobbyist or after the first action requiring his registration as a lobbyist, whichever occurs first, and in any event not later than five days after employment as a lobbyist or not later than five days after the first action requiring his registration as a lobbyist, whichever occurs first. He shall electronically file with the ethics board using forms provided by it, the following information:

(6) If the registrant was a registered lobbyist during the previous calendar year, whether the registrant completed the annual training required pursuant to R.S. 42:1170 for the previous calendar year.

(7) One copy of a two-inch by two-inch recent photograph of the registrant made within the prior six months shall be filed with the initial registration form.

(8) If a lobbyist is compensated for lobbying and non-lobbying services, he shall reasonably allocate his compensation and report only the amount received for lobbying in the manner provided in this Part.

Section 3. R.S. 24:53(H)(2) is hereby repealed in its entirety.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 544

SENATE BILL NO. 273

BY SENATORS FOIL AND BARROW AND REPRESENTATIVE MARINO

AN ACT
To enact R.S. 15:574.4(K), relative to parole; to provide eligibility for parole consideration for offenders serving a life sentence for offenses committed on or before July 2, 1973, and for which the offender pleaded guilty; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.4(K) is hereby enacted to read as follows:

§574.4. Parole; eligibility; juvenile offenders

K. Notwithstanding any provision of law to the contrary, an offender serving a life sentence for an offense committed on or before July 2, 1973, and for which the offender pleaded guilty, shall immediately be eligible for parole consideration.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without the governor's signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 545

SENATE BILL NO. 342
BY SENATORS JACKSON, CLOUD, ROBERT MILLS, MIZELL, PEACOCK AND STINE AND REPRESENTATIVES AMEDEE, BAGLEY, BEAULLIEU, BISHOP, BUTLER, CARRIER, COUSSAN, CREWS, DAVIS, DESHOTEL, DEVILLIER, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FARNUM, FIRMENT, FRIEMAN, GADBERRY, GAROFALO, GRAUDE, HARRIS, HODGES, HORTON, HUVAL, TRAVIS JOHNSON, MCFARLAND, MCKNIGHT, MIGUEZ, CHARLES OWEN, ROMERO, SCHAMERHORN, SCHEXNAYDER, SCHLEGEL, SEAbaugh, STEFANSKI, THOMAS, THOMPSON, WHITE, WRIGHT AND ZERINGUE

AN ACT
To amend and reenact the heading of R.S. 14:32.9 and (A) and the introductory paragraph of (D), the heading of 32.9.1 and (A) and the introductory paragraph of (D), 87.1, 87.2, and 87.5 are hereby enacted to read as follows:

§18. Construction of laws relative to abortion
Section 1. R.S. 1:18 is hereby enacted to read as follows:

To amend and reenact the heading of R.S. 14:32.9 and (A) and the introductory paragraph of (D), the heading of 32.9.1 and (A) and the introductory paragraph of (D), 87.1, 87.2, and 87.5 are hereby amended and reenacted and R.S. 14:32.9(E), 87.1.1, 87.7, and 87.8 are hereby enacted to read as follows:

§32.9. Criminal abortion

A. Each lobbyist shall register with the ethics board as soon as possible after employment as a lobbyist or after the first action requiring his registration as a lobbyist, whichever occurs first. He shall electronically file with the ethics board using forms provided by it, the following information:

(6) If the registrant was a registered lobbyist during the previous calendar year, whether the registrant completed the annual training required pursuant to R.S. 42:1170 for the previous calendar year.

(7) One copy of a two-inch by two-inch recent photograph of the registrant made within the prior six months shall be filed with the initial registration form.

(8) If a lobbyist is compensated for lobbying and non-lobbying services, he shall reasonably allocate his compensation and report only the amount received for lobbying in the manner provided in this Part.

Section 2. R.S. 49:74(A)(6) and (7) are hereby amended and reenacted and R.S. 49:74(A)(6) is hereby enacted to read as follows:

§74. Registration of lobbyists with the board; compilation of information
A. Each lobbyist shall register with the board as soon as possible after employment as a lobbyist or after the first action requiring his registration as a lobbyist, whichever occurs first, and in any event not later than five days after employment as a lobbyist or not later than five days after the first action requiring his registration as a lobbyist, whichever occurs first. He shall electronically file with the board using forms provided by it, the following information:

(6) If the registrant was a registered lobbyist during the previous calendar year, whether the registrant completed the annual training required pursuant to R.S. 42:1170 for the previous calendar year.

(7) One copy of a two-inch by two-inch recent photograph of the registrant made within the prior six months shall be filed with the initial registration form.

(8) If a lobbyist is compensated for lobbying and non-lobbying services, he shall reasonably allocate his compensation and report only the amount received for lobbying in the manner provided in this Part.

Section 3. R.S. 24:53(H)(2) is hereby repealed in its entirety.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

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THE ADVOCATE

* As it appears in the enrolled bill
A. Criminal abortion The crime of abortion by an unlicensed physician is an abortion performed, with or without the consent of the pregnant woman or her legal guardian, that results in the death of an unborn child when the abortion is performed by any individual who is not a physician licensed by the state of Louisiana.

D. Statutory Construction None of the following shall be construed to create the crime of abortion by dismemberment.

E. The provisions of R.S. 40:1061.8 shall apply to this Section.

§32.9.1. Aggravated criminal abortion by dismemberment
A. Aggravated criminal abortion by dismemberment is the commission of a criminal abortion as defined in R.S. 14:32.9(A), when the unborn child is intentionally dismembered, whether the act of dismemberment was in the course of or following the death of the unborn child.

D. Exceptions. None of the following shall be construed to create the crime of criminal abortion by dismemberment.

§87.1. Definitions
Wherever used in this Subpart, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall have the following meanings:

(a) “Abortion” or “induced abortion” means the performance of any act with the intent to terminate a clinically diagnosable pregnancy with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child by one or more of the following means:
   (i) Administering, prescribing, or providing any abortion-inducing drug, chemical, or product, whether or not the pregnant woman is aware of it.
   (ii) Using an instrument or external force on a pregnant female.
   (b) Abortion shall not mean any one or more of the following acts, if performed by a physician:
      (i) A medical procedure performed with the intention to save the life or preserve the health of an unborn child.
      (ii) The removal of a dead unborn child or the induction or delivery of the uterine contents in case of a positive diagnosis, certified in writing in the woman’s medical record, that the pregnancy should be terminated.
      (v) The performance of a medical procedure necessary in good faith medical judgment to prevent the serious, permanent impairment of a life-sustaining organ of a pregnant woman.
      (vi) The removal of an ectopic pregnancy.
      (vii) The use of methotrexate to treat an ectopic pregnancy.
      (v) The performance of a medical procedure necessary in good faith medical judgment to prevent the serious, permanent impairment of a life-sustaining organ of a pregnant woman.
   (b) The removal of a dead unborn child or the induction or delivery of the uterine contents in case of a positive diagnosis, certified in writing in the woman’s medical record, that the pregnancy should be terminated.
   (v) The performance of a medical procedure necessary in good faith medical judgment to prevent the serious, permanent impairment of a life-sustaining organ of a pregnant woman.
   (vi) The removal of an ectopic pregnancy.
   (vii) The use of methotrexate to treat an ectopic pregnancy.
   (b) Abortion-inducing drug shall not mean a contraceptive, an emergency contraceptive, or the use of methotrexate to treat an ectopic pregnancy.
   (b) Abortion-inducing drug shall not mean a contraceptive, an emergency contraceptive, or the use of methotrexate to treat an ectopic pregnancy.
   (b) Abortion-inducing drug shall not mean a contraceptive, an emergency contraceptive, or the use of methotrexate to treat an ectopic pregnancy.
   (b) Abortion-inducing drug shall not mean a contraceptive, an emergency contraceptive, or the use of methotrexate to treat an ectopic pregnancy.

§32.9. Aggravated abortion by dismemberment
A. Aggravated abortion by dismemberment is the commission of a criminal abortion, as defined in R.S. 14:32.9(A), when the unborn child is intentionally dismembered, whether the act of dismemberment was in the course of or following the death of the unborn child.

B. (20) “Miscarriage” or “stillbirth” means the spontaneous or accidental death of an unborn child, whether the death occurred in the womb or in the process of birth. Death of the unborn child is indicated by the lack of signs of breathing or any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. Whether or not the umbilical cord has been attached, if the death occurs after the removal of all signs of life, the death results from natural causes. If the death occurs after the removal of all signs of life, the death results from natural causes, and the cause of death shall be determined by a physician and confirmed through the use of an ultrasound test of a quality generally used in existing medicalpractice.

B. (21) “Partial birth abortion” means an abortion in which:
   (a) The person performing the abortion deliberately and intentionally causes the removal of a late-stage fetus or child in a manner consistent with reasonable medical practice.
   (b) The person performing the abortion performs the overt act, other than the removal of the child, that causes the death of the unborn child.

B. (22) “Physician” means a person licensed to practice medicine in the state of Louisiana.

B. (23) “Pregnant” means that female reproductive condition of having a developing embryo or fetus in the uterus which commences at fertilization and implantation.

B. (24) “Receive a fetal organ” means acquiring any fetal organ or fetal body part, or the rights to any fetal organ or fetal body part, through an act of donation or sale via any transaction prohibited by this Subpart.

THE ADVOCATE  As it appears in the enrolled bill
fetus, irrespective of the duration of pregnancy, which after such separation, when the death of the infant results. performing or inducing an abortion, to exercise that degree of professional an aborted viable infant is the intentional failure, by any physician or person infant shall be a crime. The intentional failure to sustain the life and health of shall be imprisoned at hard labor for not less than five nor more than ten thousand dollars or nor more than two hundred thousand dollars. abortion. This Section does not apply to a pregnant female upon whom an abortion is committed or performed in violation of this Section and the pregnant female shall not be held responsible for the criminal consequences of any violation of this Section. abortion. F. The provisions of this Section shall become effective immediately upon, and to the extent permitted, by the occurrence of any of the following circumstances: (1) Any decision of the Supreme Court of the United States which overrules, in whole or in part, Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby restoring to the state of Louisiana the authority to prohibit or limit abortion. (2) Adoption of an amendment to the United States Constitution which, in whole or in part, restores to the state of Louisiana the authority to prohibit or limit abortion. (3) A decision of the Supreme Court of the United States in the case of Dobbs v. Jackson Women's Health Organization, Docket No. 19-1392, which overrules, in whole or in part, Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby restoring to the state of Louisiana the authority to prohibit or limit abortion. (4) Adoption of an amendment to the United States Constitution which, in whole or in part, restores to the state of Louisiana the authority to prohibit or limit abortion. * * * D. Any person in violation of this Section shall be prosecuted pursuant to the effective provisions of R.S. 14:87.7. and shall be subject to the penalties provided in R.S. 40:1061.29. * * * I. The following terms as used in this Section shall have the following meanings: same meaning as the definitions provided in R.S. 14:87.1. (1) “Fertilization” means that point in time when a male human sperm penetrate the zona pellucida of a female human ovum. (2) “Pregnant” means the human female reproductive condition, of having a living unborn human being within her body throughout the entire embryonic and fetal stages of the unborn child from fertilization to full gestation and childbirth. * * * §1061.1. Pain-Capable Unborn Child Protection Act D. Determination of postfertilization postfertilization age. (1) Except in the case of a medical emergency or when a pregnancy is diagnosed as medically futile, no abortion shall be performed or induced or attempted to be performed or induced unless the physician performing or inducing the procedure is knowledgeable about the case and the medical conditions involved, would consider necessary to perform in making an accurate diagnosis with respect to postfertilization postfertilization age. (2) Failure by any physician to conform to any requirement of this Section §87.1. Killing a child during delivery; penalties A. Killing a child during delivery is the intentional destruction, during parturition of the mother, of the vitality or life of a child in a state of being born and before actual birth, which child would otherwise have been born alive; provided, however, that the crime of killing a child during delivery shall not be construed to include any case in which the death of a child results from the use by a physician of a procedure during delivery which is necessary to save the life of the child or of the mother and is used for the express purpose of and with the specific intent of saving the life of the child or of the mother. B. Whoever commits the crime of killing a child during delivery shall be imprisoned at hard labor in the penitentiary for life. §87.2. Human experimentation that born alive A. Human experimentation is the use of any live born human being infant who is born alive, without consent of that live born human being, as hereinafter defined, for any scientific or laboratory research or any other kind of experimentation, or study, before or after the birth, of the life and health of the live born human being, or the conduct, on a human embryo or fetus in utero, of any experimentation or study except to preserve the life or to improve the health of the embryo or fetus. B. Human being a live born, or there is a live birth, whenever there is the complete expulsion or extraction from its mother of a human embryo or fetus, irrespective of the duration of pregnancy, which after such separation, breathes or shows any other evidence of life such as beating of the heart, movement of voluntary muscles, or any otherfunction, not including psychological or emotional conditions. C. Whoever commits the crime of human experimentation on an infant born alive shall be imprisoned at hard labor for not less than five nor more than twenty years, or fined not more than ten thousand dollars, or both. §87.5. Intentional failure to sustain life and health of aborted viable infant A. The intentional failure to sustain the life and health of an aborted viable infant shall be a crime. The intentional failure to sustain the life and health of an aborted viable infant is the intentional failure, by any physician or person performing or inducing an abortion, to exercise that degree of professional care and diligence, and to perform such measures as constitute good medical practice, necessary to sustain the life and health of an aborted viable infant, when the death of the infant results. B. Any person in violation of this Section “viable” means that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life supporting systems. Any person who commits the crime of intentional failure to sustain the life and health of an aborted viable infant shall be imprisoned at hard labor for not more than twenty-one years. * * * §87.7. Abortion A. It shall be unlawful for a physician or other person to perform an abortion, with or without the consent of the pregnant female. B. The terms used in this Section have the same meaning as the definitions provided in R.S. 14:87.1. C. Whoever commits the crime of abortion shall be imprisoned at hard labor for not less than ten years nor more than ten years and shall be fined not less than ten thousand dollars nor more than one hundred thousand dollars. D. This Section does not apply to a pregnant female upon whom an abortion is committed or performed in violation of this Section and the pregnant female shall not be held responsible for the criminal consequences of any violation of this Section. E. This Section shall not apply to the sale, use, prescription, or administration of a contraceptive or an emergency contraceptive. F. The provisions of this Section shall become effective immediately upon, and to the extent permitted, by the occurrence of any of the following circumstances: (1) Any decision of the Supreme Court of the United States which overrules, in whole or in part, Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby restoring to the state of Louisiana the authority to prohibit or limit abortion. (2) Adoption of an amendment to the United States Constitution which, in whole or in part, restores to the state of Louisiana the authority to prohibit or limit abortion. (3) A decision of the Supreme Court of the United States in the case of Dobbs v. Jackson Women’s Health Organization, Docket No. 19-1392, which overrules, in whole or in part, Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby restoring to the state of Louisiana the authority to prohibit or limit abortion. * * * D. Any person in violation of this Act shall become effective immediately upon, and to the extent permitted, by the occurrence of any of the following circumstances: (1) Any decision of the Supreme Court of the United States which overrules, in whole or in part, Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby restoring to the state of Louisiana the authority to prohibit or limit abortion. (2) Adoption of an amendment to the United States Constitution which, in whole or in part, restores to the state of Louisiana the authority to prohibit or limit abortion. * * *
constitutes “unprofessional conduct” pursuant to R.S. 37:1261.

E. Abortion of unborn child of twenty or more weeks postfertilization age prohibited.

(1) No person shall perform or induce an abortion upon a woman when it has been determined, by the physician performing or inducing or attempting to perform or induce the abortion or by another physician upon whose determination that physician relies, that the probable postfertilization age of the woman’s unborn child is twenty or more weeks, unless the pregnancy is diagnosed as medically futile or, in reasonable medical judgment, she has a condition which so complicates her medical condition as to necessitate the abortion of her pregnancy to aver her life, to prevent serious physical damage or to avoid serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No such greater risk shall be deemed to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

(2) When an abortion upon a woman whose unborn child has been determined to have a probable postfertilization age of twenty or more weeks is not prohibited by Paragraph (1) of this Subsection, the physician shall terminate the pregnancy in the manner which, in reasonable medical judgment, provides the best opportunity for the unborn child to survive, unless, in reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the woman than would other available methods. No such greater risk shall be deemed to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

H. The provisions of R.S. 40:1061.8 shall apply to this Section.

§1061.1. Louisiana Unborn Child Protection from Dismemberment Abortion Act

I. The provisions of R.S. 40:1061.8 shall apply to this Section.

§1061.1.3. Abortion prohibited; detectable fetal heartbeat; ultrasound required

C. Whoever violates this Section shall be prosecuted pursuant to the penalties provided in R.S. 40:1061.29.

§1061.8. Legislative intent, construction of abortion provisions law regulating abortion

A. (1) It is the intention of the Legislature of the State of Louisiana to regulate, prohibit, or restrict abortion to the fullest extent permitted by the decisions of the United States Supreme Court of the United States. The Legislature hereby declares its intent to adopt and implement the most stringent and comprehensive measures, consistent with the United States Constitution of this state, which are capable of achieving the desired end.

B. (2) The legislature further finds and declares that the longstanding policy of this state is to protect the right to life of every unborn child from the moment of conception and is, therefore, a legal person for purposes of the unborn child’s right to life. Every unborn child is entitled to the right to life from conception under the laws of this state and shall be protected by the state.

C. The provisions of this Chapter that regulate the practice of abortion shall be subject to the penalties provided in R.S. 40:1061.29.

§1061.9. Definitions

As used in R.S. 40:1061.8 through 1061.29, the following words shall have the following meanings:

Wherever used in this Chapter, unless a different meaning clearly appears in the context, the terms, whether singular or plural, have the same meaning as the definitions provided in R.S. 14:87.1.

§1061.10. Abortion by physician; determination of viability; ultrasound test required; exceptions; penalties

F. The provisions of R.S. 40:1061.8 shall apply to this Section.

§1061.11. Drugs or chemicals used; penalties

A. When any drug or chemical is used for the purpose of inducing an abortion as defined in R.S. 40:1061.9, the physician who prescribed the drug or chemical shall be in the same room and in the physical presence of the pregnant woman when the drug or chemical is initially administered.
abortion on a female unless the procedure performed is necessary because of a medical emergency or to save the life of the female mother, because her continued pregnancy places her physical or mental health at risk, or because her pregnancy is the result of rape or incest, and only if the attending physician has determined the pregnancy to be the result of rape or incest by a physical, genetic, or chemical test, and where such pregnancy is the result of rape or incest committed by an individual under the age of sixteen. Where a pregnant woman has been injured by her pregnancy, including a life-endangering physical condition caused by or arising from the pregnancy itself.

§1061.30. Standing Suspension or revocation of license; grounds: action to close outpatient abortion clinic.
A. In addition to any violation of this Chapter, the following acts shall subject licensed outpatient abortion facilities to the provisions of R.S. 40:2175.6 regarding license suspension or revocation:
(1) Systematically, intentionally, or deliberately falsifying or destroying patient files or records in violation of R.S. 40:1061.17.
(2) Completing in advance of an appointment with a woman seeking abortion any portion of patient records or forms required by R.S. 40:1061.17 to include patient-specific data or a physician signature.

B. The provisions of R.S. 40:2175.8 and R.S. 40:2175.9 shall apply to this Chapter.

§2175.1. Short title
A. This Part may be cited as the “Outpatient Abortion Facility Licensing Law”.

B. The provisions of R.S. 40:1061.8 shall apply to this Part.

§2175.2. Purpose
The purpose of this Part is to authorize the Louisiana Department of Health to promulgate and publish rules and regulations to provide for the health, safety, and welfare of women in outpatient abortion facilities and for the safe operation of such facilities. The rules shall be reasonably related to the purpose expressed in this Section and shall not impose a legally significant burden on a woman’s freedom to decide whether to terminate her pregnancy, except when the provisions of R.S. 40:1061.8 apply.

§2175.3. Definitions
A. Except as provided in Subsection B of this Section, the terms used in this Part, unless a different meaning clearly appears in the context, whether singular or plural, have the same meaning as the definitions provided in R.S. 14:87.8.
B. For purposes of this Part, the following definitions apply:
(1) “Abortion” shall have the meaning set forth in R.S. 40:1061.9.
(2) “First trimester professional” or “outpatient abortion facility professional” means an individual who is a physician, surgeon, resident, intern, licensed nurse, nursing aide, emergency medical technician, or a paramedic who diagnoses, examines, or treats a female patient at an outpatient abortion facility.
(3) “Abortion facility staff member” or “outpatient abortion facility staff member” means an individual who is not an abortion facility professional but who is employed by or contracts with an outpatient abortion facility to provide services and who has any contact with patients at the facility.
(4) “Secretary” means the secretary of the Louisiana Department of Health.

F. The provisions of R.S. 40:1061.8 shall apply to this Part.

§2175.4. License required

J. The provisions of R.S. 40:1061.8 shall apply to this Part.

§2175.7. Mandatory reports to law enforcement; human trafficking awareness and prevention training.

C. The provisions of R.S. 40:1061.8 shall apply to this Part.

§2175.8. Cease and desist order; due process rights; penalty for violation
A. In addition to the provisions of R.S. 40:2175.6(H), the secretary is empowered to issue a written cease and desist order to prevent or terminate an unsafe condition or illegal practice for a violation of this Chapter or Chapter 5 of Title 40 or a violation of Subtitle I of Title 40, the violation of which has been issued pursuant thereto whenever the secretary knows or has reasonable cause to believe that such unsafe condition or illegal practice exists or is likely to occur related to an outpatient abortion facility.
B. An aggrieved party, who is licensed by this Part and who is affected by the secretary’s decision or order, may seek an appeal in the same manner as provided for in R.S. 40:2175.4(H).

(2) An aggrieved party, who is not licensed by this Part, may seek a de novo review of the secretary’s decision or order by filing a petition for review in the Nineteenth Judicial District Court for the parish of East Baton Rouge.

C. Any order issued pursuant to this Section shall become effective upon service thereof in person or by registered mail on the violator, and shall remain effective except to the extent modified, stayed, terminated, or set aside by action of the secretary or by Nineteenth Judicial District Court in parish of East Baton Rouge.

D. If no timely appeal is demanded by the aggrieved party pursuant to Subsection B of this Section, the cease and desist order shall become final.
E. If the violator subsequently engages in activities that violate a final cease and desist order, the secretary may seek the enforcement of such order by civil action filed in the Nineteenth Judicial District Court for the parish of East Baton Rouge.
F. Except as provided in R.S. 40:2175.9, anyone who violates a cease and desist order of the secretary after it has become final and while such order is in effect shall, upon proof thereof to the satisfaction of the court, be ordered by the court to forfeit and pay to the attorney general a sum not less than five hundred dollars for each violation or five thousand dollars per violation.

§2175.9. Procedure for closing outpatient abortion clinics in the event abortion is declared illegal.
A. Except as provided in Subsection C of this Section, the secretary shall apply the provisions of R.S. 40:1061.8 and R.S. 40:2175.8 and based upon the final decision of the United States Supreme Court in the case of Dobbs v. Jackson Women’s Health Organization, Docket No. 19-1392, the secretary shall issue whichever one of the applicable cease and desist orders apply, as follows:
(1) The outpatient abortion facility shall be ordered closed and the facility shall immediately cease and desist performing abortions because the Human Life Protection Act, R.S. 40:1061, or R.S. 14:87.7 has been enacted and the practice of abortion in Louisiana has been prohibited by law.
(2) The outpatient abortion facility shall be ordered closed and the facility shall immediately cease and desist performing abortions, as defined in R.S. 14:87.8, because the Supreme Court of the United States has provided for the states to prohibit abortions when the gestational age of the unborn child is fifteen weeks or more.

B. Any person who violates a cease and desist order of the secretary after it has become final and while such order is in effect shall, upon proof thereof to the satisfaction of the court, be ordered by the court to forfeit and pay to the attorney general a sum not less than ten thousand dollars nor more than fifty thousand dollars per violation.

F. Each abortion performed in violation of the cease and desist order issued pursuant to this Section shall constitute a separate violation.

C. The provisions of Subsection A and B of this Section shall not apply if the decision rendered by the United States Supreme Court in the case of Dobbs v. Jackson Women’s Health Organization, Docket No. 19-1392, which overrules, in part, Whole Woman’s Health v. Hellerstedt, 571 U.S. 124, 136 S.Ct. 2060 (2016), does not restore to the states the authority to prohibit or limit abortion.

§2175.10. Right of aggrieved parties to appeal order.
A. An aggrieved party, who is licensed by this Part and who is affected by a violation of the provisions of law contained in this Part, shall have the right to appeal to the Nineteenth Judicial District Court for the parish of East Baton Rouge.

B. If no timely appeal is demanded by the aggrieved party pursuant to Subsection B of this Section, the cease and desist order shall become final.

C. Any order issued pursuant to this Section shall become effective upon service thereof in person or by registered mail on the violator, and shall remain effective except to the extent modified, stayed, terminated, or set aside by action of the Nineteenth Judicial District Court in parish of East Baton Rouge.

D. If no timely appeal is demanded by the aggrieved party pursuant to Subsection B of this Section, the cease and desist order shall become final.
E. If the violator subsequently engages in activities that violate a final cease and desist order, the secretary may seek the enforcement of such order by civil action filed in the Nineteenth Judicial District Court for the parish of East Baton Rouge.

F. Except as provided in R.S. 40:2175.9, anyone who violates a cease and desist order of the secretary after it has become final and while such order is in effect shall, upon proof thereof to the satisfaction of the court, be ordered by the court to forfeit and pay to the attorney general a sum not less than five hundred dollars nor more than fifty thousand dollars per violation.

G. Any portion of patient records or forms required by R.S. 40:1061.17 to include patient-specific data or a physician signature.

H. The provisions of R.S. 40:2175.8 and R.S. 40:2175.9 shall apply to this Chapter.

I. The provisions of R.S. 40:1061.8 shall apply to this Part.

J. The provisions of R.S. 40:1061.8 shall apply to this Part.
To enact Chapter 17-A of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1611, and to enact Chapter 49 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3051 through 3053, relative to the sale and transport of propane and other fuels; to provide for the sale, transportation, and acceptance of propane and other fuels to individuals in affected areas during a declared natural disaster; to provide relative to consumer access to certain energy types; to prohibit the adoption of local ordinances limiting access to certain energy types; to provide for definitions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 17-A of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:1611, and Chapter 49 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:3051 through 3053, are hereby enacted to read as follows:

CHAPTER 17-A  SALE, TRANSPORTATION, AND ACCEPTANCE OF FUEL
§1611. Sale, transportation, and acceptance of fuel following a natural disaster
A. Notwithstanding any other provision of law to the contrary, following a disaster or emergency declared in accordance with the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721 et seq., and upon written authorization from the secretary of the Department of Transportation and Development, the diversion, sale, transport, delivery, or acceptance of gasoline, diesel fuel, liquefied petroleum gas, motor fuel, special fuel, gasohol, liquefied natural gas, and other types of fuel, across jurisdictional lines, by any person as a result of the disaster, shall not be restricted or prohibited when needed for disaster recovery, including but not limited to supplying fuel to generators, motor vehicles, homes and other resources to provide electricity, heat, light, meals, and other necessities to persons in affected areas.
B. This provision shall not be construed as waiving any mandatory federal law, nor as creating any exception thereto, to the extent that any such law may be applicable to the transport of commodities described in this Section.

CHAPTER 49. LOUISIANA CONSUMER FUEL CHOICE ACT
§3051. Short title
This Chapter shall be known and may be cited as the "Louisiana Consumer Fuel Choice Act".

§3052. Energy type: defined
For the purposes of this Chapter, "energy type" includes aviation fuel, biofuel, compressed natural gas, diesel, electricity to be utilized for the charging of electric vehicles, gasoline, gas distillates, hydrogen, liquefied petroleum gas, and renewable diesel.

§3053. Consumer access: prohibitions
A. No local governing authority shall adopt an ordinance, rule, or law that limits consumer access to an energy type or that results in the banning of a specific energy type, except for one to four family residential units or for which the highest and best use is for one to four family residential units; however, such authority shall not include the authority to approve any subdivision for which a development analysis or development appraisal is necessary.
B. Nothing in this Chapter shall be construed to restrict, impair, or diminish the regulatory authority of the Louisiana Energy and Power Authority, a municipally owned electric system, the Louisiana Public Service Commission in accordance with Title XI of the Constitution of Louisiana, or any governing authority of a political subdivision that regulates a public utility in accordance with Article IV, Section 21 of the Constitution of Louisiana.

Section 2. It is the intent of the legislature that the provisions of this Act shall apply both retroactively and prospectively. It is further the intent of the legislature that any ordinance, rule or law, by local governing authority described in Section 1 of this Act shall be void ab initio.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy.
R. Kyle Ardoin
Secretary of State

ACT No. 547
SENATE BILL NO. 367
BY SENATOR HENRY
AN ACT
To amend and reenact the introductory paragraph of R.S. 37:3392, 3392(8) and (12) through (14), 3393(A) through (E), (G), the introductory paragraph of 3393(B), 3393(C) through (L), 3394(A)(6), (B)(2) and (3), (C), (D), the introductory paragraph of 3400(E) and 3400(F), 3410, and 3411, to enact R.S. 37:3392(15) through (27) and 3399, and to repeal R.S. 37:3392(11) and 3397, relative to the Louisiana Real Estate Appraisers Board; to provide for definitions; to provide relative to real estate appraisers; to provide relative to real estate appraisers board; and to provide relative to real estate licensing.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 37:3392, 3392(8) and (12) through (14), 3393(A) through (E), (G), the introductory paragraph of 3393(B), 3393(C) through (L), 3394(A)(6), (B)(2) and (3), (C), (D), 3396(A), 3397, 3398(A), 3405, 3408(A), (B), the introductory paragraph of 3408(D), and 3408(F), the introductory paragraph of 3409(A), 3409(A)(6), (B)(2) and (3), (C), (D), 3396(A), 3397, 3398(A), 3405, 3408(A), (B), the introductory paragraph of 3408(D), and 3408(F), the introductory paragraph of 3409(A), 3409(A)(6), (B)(2) and (3), (C), (D), the introductory paragraph of 3409(E), and 3409(F), 3410, 3411, as amended and reenacted and R.S. 37:3392(15) through (27) and 3399 are hereby enacted to read as follows:

§3392. Definitions
As used in this Chapter, the following words have the meaning ascribed to them in this Section unless the context clearly indicates otherwise.

(8) “General certified real estate Certified general appraiser” means a person who holds a current, valid license issued to him licensed by the board for appraisal of all types of real estate regardless of complexity or transaction value.

(12) “Real estate appraiser trainee.” “Trainee appraiser” means any person who has been issued a license registered by the board and authorized to appraise properties under the supervision of a licensed general real estate appraiser who is a certified residential appraiser.

(13) “Real property” or “real estate” means one or more defined interests in a parcel of real estate, whether an unencumbered fee or a lesser estate.

(14) “FIRREA” means the Financial Institution Reform, Recovery and Enforcement Act of 1989, as enacted under federal law, and specifically includes uniform standards and to be used to sell, lease, finance, or carry out related transaction appraisals.

(15) “Licensed residential appraiser” means any person licensed by the board whose authority to appraise real property is limited to the appraisal of noncomplex one to four residential units having a transaction value of less than one million dollars and of complex one to four residential units having a transaction value of less than four hundred thousand dollars in accordance with the Real Property Appraiser Qualification Criteria. For the purposes of this Paragraph, “transaction value” means market value for nonfederally related transaction appraisals.

(16) “AOB” means the Appraiser Qualifications Board of TAF created in accordance with Title XI of FIRREA. The AOB develops, interprets, and amends the Appraiser Qualifications Board Qualification Criteria.

(17) “ASB” means the Appraisal Standards Board of TAF created in accordance with Title XI of FIRREA. The ASB develops, promulgates, interprets, and amends USPAP.

(18) “ASC” means the Appraisal Subcommittee created in accordance with Title XI of FIRREA and organized and subject to the Federal Financial Institutions Examination Council, or its successor, according to the Financial Institutions Regulatory and Interest Rate Control Act of 1978.

(19) “FIRREA” means the Financial Institution Reform, Recovery and Enforcement Act of 1989, as enacted under federal law, and specifically includes uniform standards and to be used to sell, lease, finance, or carry out related transaction appraisals.

(20) “Real value” means the value estimated as an opinion, which presumes the transfer of real property as of a certain date and subject to specific conditions set forth in the value definition identified by an appraiser as applicable to an appraisal.

(21) FIRREA means or refers to any Practical Applications of Real Estate Appraisal training program created or implemented in accordance with the Real Property Appraiser Qualification Criteria developed and approved by the AQB, to provide an alternate pathway for applicants to obtain licensure as a licensed residential appraiser or as a certified residential appraiser without training as a trainee appraiser, subject to the direct control and supervision of a supervisory appraiser.

(22) “Real Property Appraiser Qualification Criteria” means the qualifying criteria regarding the minimum education, experience, and examination requirements for real estate appraisers, as established by the AQB.
A. No person, other than a state licensed real estate appraiser supervised, registered or licensed by the board, shall assume or use that title or any title, designation, or abbreviation that may create the impression of being registered or licensed as a real estate appraiser in this state.

B. No registered or licensed real estate appraiser shall assume or use any title, designation, or abbreviation that may create the impression of being registered or licensed in a class other than that for which his actual registration or license has been issued.

C. It shall be unlawful for any individual, for a fee or other valuable consideration, or with the intention or expectation of receiving or collecting a fee or valuable consideration from another, to do any of the following unless the individual is registered or licensed under accordance with the provisions of this Chapter:

1. Be employed to perform or perform an appraisal as defined in this Chapter where the subject property of the assignment lies within the borders of the state of Louisiana.

2. Present himself, or allow himself to be presented, as being able to perform an appraisal for which a registration or license is required under accordance with the provisions of this Chapter.

D. All real estate appraiser registrations or licenses issued under the provisions of this Chapter shall be issued in the individual name of the applicant and shall not be issued to a partnership, association, corporation, firm, or group. Nothing shall preclude a licensed real property appraiser from performing appraisals for or on behalf of a partnership, association, corporation, firm, or group.

E. Nothing in this Chapter shall preclude a licensed real estate broker or salesperson from performing a broker price opinion/comparative market analysis in the ordinary course of the practice of real estate, provided that the broker or salesperson does not unlawfully represent himself as being a state licensed real estate appraiser or a registered or licensed appraiser.

F. It shall be unlawful for any individual, person, partnership, association, or corporation to perform any type of review or analysis of a real property appraisal, unless that person is registered or licensed to perform real property appraisals.

G. In addition to any other civil remedy or civil penalty provided in this Chapter, the board may issue a subpoena to any person based on the probable cause that he has engaged in real estate appraisal activity without a registration or license issued by the board.

H. In accordance with the provisions of this Chapter and the Administrative Procedure Act, the board may impose a civil penalty not to exceed five thousand dollars and costs and attorney fees upon any person who is found to have engaged in real estate appraiser appointment without a registration or license issued by the board.

I. A person engaged in real estate appraiser activity without a registration or license issued by the board shall not have the right to receive any compensation for services rendered in this state. In addition to any other penalties imposed under authorized by this Chapter, the board may require any person engaged in real estate appraisal activity without a registration or license to return any fees collected for such activity.

§3394. Louisiana Real Estate Appraisers Board

B. (1) A. * * *

(a) (1) * * *

(b) (1) One member shall have been engaged in the business of appraisal management for at least four years and shall be an employee or representative of a Louisiana licensed appraisal management company. Additionally, this member shall be a citizen and qualified elector of Louisiana and licensed as a certified residential appraiser or certified general appraiser immediately preceding the appointment to the board.

(c) Each of the remaining members shall have been domiciled in Louisiana and licensed as certified real estate appraisers either a certified residential appraiser or certified general appraiser for not less than five consecutive years immediately preceding the appointment.

(2) At least four of the ten members shall be certified general appraisers and at least two of the ten members shall be certified residential appraisers. All appraiser members shall be state certified.

§3395. Powers, duties

A. The board shall have the following autonomous powers and duties:

(1) To require any satisfactory proof it may desire in reference to the honesty, truthfulness, reputation, knowledge, and experience of any applicant for a real estate appraiser registration or license prior to the issuance of any license.

(2) To establish administrative procedures for processing applications and issuing registrations and licenses to real estate appraisers and trainees.

(4) To require any satisfactory proof in reference to the honesty, truthfulness, reputation, knowledge, and experience of any applicant for a real estate appraiser registration or license prior to the issuance of any license.

§3396. Applications

A. Applications for examination, experience review, registration, licensure, and renewal certification shall be made in writing to the board in forms provided on a form prescribed and in a manner required by the board.

§3397. License and registration classifications; criteria

A. (1) There shall be three classes of licenses for real estate appraisers:

(a) Licensed residential appraiser.

(b) Certified residential appraiser.

(c) Certified general appraiser.

(2) Such The license classes enumerated in Paragraph (1) of this Subsection shall conform in all respects with the Financial Institutions Reform, Recovery and Enforcement Act of 1989, P.L. 101-73, and any subsequent amendments and regulations issued pursuant thereto.

(2) The application for examination, experience review, and renewal certification shall specify the license classification for which the applicant is applying.

B. There are two classes of registrations for real estate appraisers:

(1) Trainee appraiser. Applicants for a real estate appraiser trainee license shall be subject to training and direct supervision by a certified appraiser who meets all of the following qualifications:

(a) Certified residential appraiser.

(b) Certified general appraiser.

(c) Certified residential appraiser in Louisiana for at least three years prior to becoming a supervising appraiser.

(d) Is in good standing as a certified residential or certified general real estate appraiser in Louisiana.

2. Supervising appraiser. The supervising appraiser shall complete a course that complies, at minimum, with the specifications for course content established by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation. The course shall be oriented toward the requirements and responsibilities of supervising appraisers and expectations for trainee appraisers. The course shall be completed by the trainee appraiser in order to obtaining a trainee appraiser license and by the supervising appraiser prior to supervising a trainee appraiser. The supervising appraiser shall not be subject to any disciplinary action in any jurisdiction within the state of Louisiana as a result of administration failure or supervision failure. The supervising appraiser is permitted to have more than one supervising appraiser. The scope of work for the supervising appraiser is limited to the appraisal of those properties that the supervising appraiser is licensed to appraise.

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(2) Supervisory appraiser—There are no additional examination or experience requirements other than those listed in this Subsection for the real estate appraiser supervision license.

C. (1) A supervisory appraiser and a trainee appraiser shall each maintain an appraisal experience log shall be maintained jointly by the supervisory appraiser and the trainee appraiser. It is the responsibility of both the supervisory appraiser and the trainee appraiser and shall be independently reviewed by the supervisory appraiser. The appraisal experience log is accurate, current, and complies with the requirements of the trainee appraiser’s credentialing jurisdiction the provisions of this Chapter. At a minimum, the appraisal log shall include the following:
(a) Type of property;
(b) Date of report.
(c) Address of appraised property.
(d) Description of work performed by the trainee appraiser and scope of the review and supervision of the supervisory appraiser.
(e) Number of actual work hours by the trainee appraiser on the assignment.
(f) The signature and state certification number of the supervisory appraiser. Separate appraisal logs shall be maintained for each supervisory appraiser if applicable.

(2) Prior to applying for registration with the board, a trainee appraiser or supervisory appraiser shall meet the minimum qualifications required under this Chapter and the Real Property Appraiser Qualification Criteria including but not limited to satisfactory completion or submission of the following:
(a) A course that complies, at a minimum, with the specifications of course content established by the AQB including submission of an official course completion certificate to the board. The course shall be oriented toward the requirements and responsibilities of supervisory and trainee appraisers.
(b) The registration form that is prescribed by the board.
(2) An applicant who has fully completed an authorized PAREA program shall be required to obtain the equivalent of fourteen hours of continuing education per calendar year.

(2) The supervising appraiser shall be entitled to obtain copies of appraisal related reports that he prepared in full or in part by the trainee. The supervising supervisory appraiser shall keep copies of the trainee appraisal reports prepared by the trainee appraiser for a period of at least five years or at least two years after final disposition of any judicial proceeding in which testimony is given, whichever period is greater last.

§3398. Examination
A. A license as a real estate appraiser shall not be issued in any class, other than real estate appraisal license, unless the applicant has passed a qualifying examination approved by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation for such license.

§3399. Practical Applications of Real Estate Appraisal (PAREA): legislative intent; licensure
A. (1) The legislature hereby recognizes the present shortage and declining number of registered and licensed appraisers in Louisiana and hereby declares its intent to reduce any unnecessary barriers to licensure as a real property appraiser, including but not limited to the practical barriers caused by the related shortage of supervisory appraisers in the state.

(2) Further, the legislature recognizes that the AQB has created and authorized implementation of Practical Applications of Real Estate Appraisal (PAREA) training programs, which shall utilize simulated experience training to provide a practical and realistic path to becoming a real property appraiser without the necessity of obtaining experience or supervision directly from a supervisory appraiser.

B. (1) Accordingly, nothing in this Chapter shall be construed to prohibit an applicant from submitting an official PAREA program completion certificate to evidence satisfactory completion of all experience necessary for licensure as either a licensed residential appraiser or as a certified residential appraiser in accordance with the qualifications required by the Real Property Appraiser Qualification Criteria.

(2) An applicant who has fully completed an authorized PAREA program shall apply for licensure either as a licensed residential appraiser or as a certified residential appraiser on a form prescribed by the board and obtain board approval of the application prior to conducting appraisal activity in this state.

§3405. Principal place of business for appraiser; contact information
A. Each registered or licensed real estate appraiser shall advise the board of any change in the information required for registration, licensure, or renewal registration, including but not limited to the following:
(1) The address of his or her principal place of business and all other addresses at which he is currently engaged in the business of preparing real property appraisal reports.
(2) The address of his domicile.
(3) Primary telephone number.
(4) Primary electronic mail address.
B. Each registered or licensed appraiser required by Subsection A of this Section shall report any changes in the address or telephone number of his business within ten days of the change.

§3408. Continuing education requirements
A. As a prerequisite to renewal of a real estate appraiser registration or license, all registrants and licensees shall present evidence satisfactory to the board of having met the continuing education requirements set forth in this Chapter and the Real Property Appraiser Qualification Criteria including but not limited to satisfactory completion of the following:
B. (1) The basic continuing education requirements for renewal of a registration or a license, regardless of classification, the renewal applicant shall obtain shall be the completion of no less than twenty-eight hours of continuing education credit, or its equivalent, in courses that have received the approval of the board. The course topic shall be related to the applicant’s field of expertise. The renewal applicant shall complete a minimum of seven classroom hours of instruction covering the Uniform Standards of Professional Appraisal Practice every renewal period.

(2) All appraisers regardless of registration or license class shall obtain a minimum of seven continuing education credit hours regarding the Uniform Standards of Professional Appraisal Practice (USPAP) each renewal period, which shall be credited toward the total continuing education required by Paragraph (1) of this Subsection.

D. The board shall adopt regulations for implementation of the provisions of this Section to provide registrants and licensees with current knowledge of real property appraisal theories, practices, and techniques. Such regulations shall prescribe the following:

F. No amendment or repeal of a regulation adopted by the board pursuant to this Section shall operate to deprive a registered or licensed real estate appraiser of credit toward renewal of certification for any course of instruction completed by the applicant prior to the amendment or repeal of the regulation, if the course would have qualified for continuing education credit under the regulation as it existed prior to the repeal or amendment.

§2400. Disciplinary proceedings
A. The board may censure a registered or licensed real estate appraiser, conditionally or unconditionally suspend or revoke any registration or license issued under in accordance with the provisions of this Chapter, levy fines or impose civil penalties not to exceed five thousand dollars, or impose continuing education requirements on registrants and licensees if, in the opinion of the board, a registrant or licensee is performing, is attempting to perform, has performed, or has attempted to perform any of the following acts:

F. A registered or licensed real estate appraiser shall not participate in the preparation of federally related real estate appraisals during any period in which his registration or license is suspended or revoked.

§2401. Criminal penalties
A. The board may also suspend or revoke the registration or license for himself or anyone else by fraud, misrepresentation, or deceit.

B. (1) A. A license as a real estate appraiser shall not be issued in any class, other than real estate appraisal license, unless the applicant has passed a qualifying examination approved by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation for such license.

(2) Before censuring any registrant or licensee, or suspending or revoking any license, the board shall notify the registrant or licensee in writing of any charges made at least twenty days prior to the date set for the hearing and shall afford him an opportunity to be heard in person or by counsel.

(3) The written notice shall be served by personal service on the registrant or by sending the notice by certified mail to the registrant’s or licensee’s address on file with the board, or by hand delivery from board personnel.

C. (1) A registered or licensed real estate appraiser shall be entitled to obtain copies of appraisal related reports that he prepared in full or in part by the trainee. The supervising supervisory appraiser shall keep copies of the trainee appraisal reports prepared by the trainee appraiser for a period of at least five years or at least two years after final disposition of any judicial proceeding in which testimony is given, whichever period is greater last.

(2) The board may make findings of fact and shall deliver or mail such findings to the registrant or licensee charged with an offense under this Chapter. Any finding of fact by the board pursuant to this Subsection shall be conclusive.

D. The board may also suspend or revoke the registration or license of a real estate appraiser based upon a final civil judgment against the appraiser on grounds of fraud, misrepresentation, or deceit in the making of an appraisal of real property. In a disciplinary proceeding based upon such judgment, the registered or licensed real estate appraiser shall be afforded notice and the opportunity to present matters in mitigation and extenuation but shall not collaterally attack the civil judgment.

E. It shall be the duty of each registered or licensed real estate appraiser to notify the board within ten days by registered or certified mail or by hand delivery of the following actions:

F. A registered or licensed real estate appraiser shall not participate in the preparation of federally related real estate appraisals during any period in which his registration or license is suspended or revoked.
The page contains a mixture of text and code, indicating that it is part of a legislative document. The text is a mix of natural language and legislative drafting, with some sections highlighted as deletions from existing law. The document pertains to abortion-related legislation, focusing on the definition of abortion-inducing drugs, the prohibition of their sale, and penalties for violation. It includes definitions, such as “abortion-inducing drug,” and provisions for the penalties for those who violate the legislation.

The key points include:
- **Abortion-inducing drug**: Any drug or chemical, or any equivalent, intended to cause the death of an unborn child that is a product of human conception, or the use of methotrexate to treat an ectopic pregnancy.
- **Penalties**: For violations, penalties range from fines and imprisonment, with specific amounts and durations provided for different degrees of violation.
- **Definitions**: The act includes definitions for terms such as “abortion-inducing drug,” “pregnant woman,” and “bona fide medical reason.”

The legislation is comprehensive, addressing the sale, prescription, and dispensing of abortion-inducing drugs, as well as penalties for violations.
(1) Any decision of the United States Supreme Court of the United States which reverses or overrules, in whole or in part, Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed.2d 147 (1973), thereby restoring to the state of Louisiana the authority to prohibit or limit abortion.

(2) Adoption of an amendment to the United States Constitution which, in whole or in part, restores to the state of Louisiana the authority to prohibit or limit abortion.

(3) A decision of the Supreme Court of the United States in the case of Dobbs v. Jackson Women’s Health Organization, Docket No. 19-1392, which overrules, in whole or in part, Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby restoring to the state of Louisiana the authority to prohibit or limit abortion.

Section 3. R.S. 51:1402(10) is hereby amended and reenacted to read as follows:

"Definitions
As used in this Chapter, the following words and phrases shall have the meanings hereinafter ascribed to them:

(10)(a) "Trade" or "commerce" means the advertising, offering for sale, sale, or distribution of any service or any property, corporeal or incorporeal, immovable or movable, and any other article, commodity, or thing of value wherever situated, and includes any trade or commerce directly or indirectly affecting the people of the state.

(b) "Trade" or "commerce" shall include the advertising, offering for sale, sale, or distribution of an abortion-inducing drug in violation of R.S. 40:962.2.

Section 4. R.S. 14:38 is hereby repealed.

Section 5. If any provision or item of this Act, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provision, item, or application and to this end the provisions of this Act are hereby declared severable in accordance with R.S. 24:175.

Section 6. If the bill that originated as Senate Bill No. 342 of this 2022 Regular Session of the legislature is enacted and becomes law, the provisions containing definitions in R.S. 14:87.9B in Section 1 of this Act and R.S. 40:962.2B in Section 2 of this Act shall be null and void.

Section 7. If Senate Bill No.104 of this 2022 Regular Session of the legislature is enacted, R.S. 40:2175.8 as enacted in Section 1 of Senate Bill No.104 is hereby amended and reenacted to read as follows:

§2175.8. Patient’s right to unimpeded, private, and uncensored telephone communications; condition of facility licensing; penalties

C.(1) The provisions of this Section shall not be construed to provide a right to an abortion and are superseded by other provisions of law that restrict or prohibit abortion.

(2) The provisions of this Section are intended to regulate the practice of abortion to the end that the public health, safety, and welfare of women in outpatient abortion facilities until such time and to the extent that the state of Louisiana no longer regulates outpatient abortion facilities.

Section 8. It is the intention of the legislature that all of the following apply to this Act:

(A) This Act shall not be construed to repeal any other provision of law that restricts or prohibits abortion.

(B) The legislature reaffirms its long-standing public policy that every unborn child is a human being and has the inalienable right to life.

(C) The provisions of this Act are enacted to provide for the health, safety, and welfare of women until such time and to the extent that the state of Louisiana no longer regulates the practice of abortion.

(D) A decision of the Supreme Court in the case of Dobbs v. Jackson Women’s Health Organization, Docket No. 19-1392, which overrules, in whole or in part, Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973) and its progeny have been overturned or because an amendment or referendum to the Constitution of the United States of America has been enacted which restores to the state of Louisiana the authority to restrict abortion and prohibit abortions.

(E) A decision of the Supreme Court in the case of Dobbs v. Jackson Women’s Health Organization, Docket No. 19-1392, which overrules, in whole or in part, Roe v. Wade, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed. 2d 147 (1973), thereby restoring to the state of Louisiana the authority to prohibit or limit abortion shall apply to the provisions of R.S. 40:1061 or Act No. 468 of the 2018 Regular Session or both, or whichever one is applicable.

Approved by the Governor, June 17, 2022.

A true copy.

R. Kyle Ardoin
Secretary of State

ACT No. 549

SENATE BILL NO. 434

BY SENATORS FIELDS, ABRAHAM, BERNARD, BOUIE, CARTER, CONNACH, COTTEZ, FEI, HOLLY, HARRI, JACKSON, LANDER, LUNE, FRED MILLS, ROBERT MILL, MIZELL, MORRIS, PEACOCK, POPE, PRICE, SMITH, STINE, TALBOT, AND WARD

LYONS, MARCELLE, MARINO, MCFARLAND, MIGUEZ, DUSTIN MILLER, NEWELL, PHELPS, PIERRE, STAGNI, THOMAS, THOMPSON, WHITE AND YULL

AN ACT

To amend and reenact R.S. 11:710(A)(3), (F)(1), and (G) and the introductory paragraph of R.S. 11:710.1 and to enact R.S. 11:710(H), 710.1(F), and 710.2, relative to critical teacher shortages; to provide for employment of retirees of this system; to enact R.S. 11:710.1; to authorize the employer’s governing authority to work without suspension or reduction of benefit in certain circumstances; to provide for application; to provide for determinations and reporting; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

§710. Employment of retirees who retired on or before June 30, 2020

A. As used in this Section, the following words and phrases shall have the following meanings, unless a different meaning is clearly required by the context:

(1) "Critical shortage" means any situation in which the employer has advertised and posted notice of positions to be filled and has received fewer than three certified applicants as provided in Subsection F of this Section.

(2) "Certified applicant" means an applicant who is certified as a teacher by the certifying authority.

(3) "Certified teacher" means a teacher who is certified by the certifying authority.

(4) "Employer" means an employer of certified teachers.

(5) "Employer’s governing authority" means the governing authority that is soliciting applications for future employment of certified teachers.

(6) "Governing authority" means the governing authority that is soliciting applications for future employment of certified teachers.

(7) "Teacher" means a certified teacher.

(8) "Teacher shortage" means a critical shortage.

(9) "Teacher shortage area" means an area of the state where a teacher shortage exists.

(10) "Temporary substitute" means an individual who is hired on a temporary basis to replace a teacher who is absent or who is on extended sick leave.

§710. Employment of retirees

(a) A retiree who is employed in a critical shortage position shall not receive a benefit during the period of his reemployment as provided in this Section.

(b) If a certified applicant who is not a retiree applies for an advertised position, such person shall be hired before any certified retiree is employed. In either case, no more than three applicants have applied for the position each of whom is certified in the critical shortage area being filled.

(c) If a certified applicant who is not a retiree applies for an advertised position, such person shall be hired before any certified retiree is employed. In either case, no more than three applicants have applied for the position each of whom is certified in the critical shortage area being filled.

(d) Upon the retirement of a teacher who is not a retiree of this retirement system and who is certified to teach mathematics, science, English language arts, or special education, excluding gifted and talented and is reemployed to fill a position in the area of certification.

(e) The provisions of this Subsection shall terminate July 1, 2027.

§710.1. Employment of retirees

A. Except as otherwise provided in this Section, any retiree who returns to employment of the employer’s governing authority shall be employed to replace the retiree at the start of the next grading period.

B. A teacher who is not a retiree who is certified as a teacher by the certifying authority for a position in the area of certification for which the retiree for whom the substitute was employed is certified shall be paid for the period the substitute was employed.
active service with an employer covered by the provisions of this Chapter and **who retired** on or after July 1, 2020, shall for that period of employment choose one of the following options, which shall be in writing and filed with the appropriate officer of the employer:

**F.** Any retiree who **retired** on or before June 30, 2020, and who returned to active service under the provisions of this Section may elect to be reemployed pursuant to the provisions of R.S. 11:710 and who subsequently elects to be covered by the provisions of this Section as provided in Subsection B of this Section shall thereafter be covered exclusively by the provisions of this Section.

$710.2. Employment of retirees; postsecondary institution critical shortages

A. The provisions of this Section shall only apply to any retiree of the retirement system who retired on or before June 30, 2020, and who meets all of the following criteria:

1. The retiree has been retired for at least twelve months.
2. He did not retire based on a disability.
3. He has at least thirty years of creditable service in the retirement system.
4. He has attained at least age sixty-two.
5. He is being employed to fill a position for an adjunct professor as defined in R.S. 11:710 and assigned the professional activities of instructing pupils in a nursing program at a public postsecondary education institution where a critical shortage exists.

B. A retiree to whom this Section applies shall not receive a benefit during the period of his reemployment as provided in this Section unless and until the institution and the board of trustees of the retirement system have received certification from the Department of Education that a critical shortage exists. Prior to making such certification, the institution shall comply with the provisions of Subsection C of this Section.

C. In order to declare the existence of a critical shortage at any public postsecondary education institution shall cause to be prominently displayed a listing of positions to which this Section applies that are unfilled or that are filled by reemployed retirees on the websites of the institution, of the institution's management board and of the Board of Regents.

D. During the period of his return to active service, the retiree and his employer institution shall make contributions to the retirement system as otherwise provided by law, but the retiree shall receive no additional service credit and shall not accrue any additional retirement benefits in the retirement system. The retiree shall, upon application, be refunded the employee contributions paid since reemployment. The refund shall be without interest. The retirement system shall retain the employer contributions.

E. When any retiree covered by this Section returns to active service with an employer institution covered by the provisions of this Chapter, the employing institution shall, within thirty days thereafter, notify the board of trustees in writing of such employment and the date on which employment commenced. Upon termination, the institution shall provide the same notice. In addition, the employing institution shall also report to the retirement system within forty-five days after June thirtieth of each year. The names of all persons being employed by the employing institution and the amount of their earnings during the previous fiscal year ending on June thirtieth of the reporting year. Additionally, the employing institution shall transmit a monthly contributions report pursuant to R.S. 11:888(A). Such monthly reports shall be transmitted within thirty days of the last day of each month and shall include the salary paid to each individual retiree reemployed under this Section. Should failure to give notice of return to active service or failure to report any other information required by this Section result in any payment being made in violation of this Section, the employing institution shall be liable to the system for the repayment of such amounts.

F. The provisions of this Section shall not apply to anyone reemployed by contract or corporate contract.

G. The provisions of this Section shall terminate July 1, 2027.

Section 2. The contents of Section 1 of this Act, if any, shall be funded with additional employer contributions in compliance with Article X, Section 29(F) of the Constitution of Louisiana.

Section 3. The Department of Education shall undertake a study to determine whether critical shortages suffered by schools participating in the Teachers’ Retirement System of Louisiana are suffered to the same degree by public schools that are not participating employers of the system. The department shall ascertain the causes of the shortages, and, if the shortages are not substantially the same, the department shall ascertain the reasons for the disparity. In either case, the department shall develop policy to eliminate the shortages in both the long and short term without employment of retirees. The department shall submit its findings and proposed policy changes to the House and Senate committees on retirement and the House and Senate committees on education by January 20, 2023.

Section 4. The provisions of Sections 1 and 2 of this Act shall become effective when the Act which originated as Senate Bill No. 377 of the 2022 Regular Session of the Legislature become effective.

Section 5. The provisions of Sections 3 and 4 and this Section of this Act shall become effective upon signature of this Act by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and subsequently approved by the legislature, the provisions of Sections 3 and 4 and this Section of this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

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**ACT No. 550**

**SENATE BILL NO. 450**

BY SENATOR STINE

AN ACT

To amend and reenact R.S. 26:271.1(A), relative to microbrewries; to provide for retail sales on or off premises; to provide for transfers; to provide for conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:271.1(A) is hereby amended and reenacted as follows:

A. (1) Any person who has properly obtained a microbrewery’s permit as provided for in R.S. 26:271, shall be authorized to engage in the brewing of beer and other malt beverages in a quantity not to exceed twelve thousand five hundred barrels during the licensed year. The holder of such permit shall also be authorized to sell the manufactured beverages at retail for consumption on or off the licensed premises, if the holder also has been issued a Retailer, Class A permit.

(2) A licensed wholesaler may transfer from a permitted microbrewery to another permitted microbrewery up to fifty percent of the total manufactured beverages sold at the receiving microbrewery provided all of the following conditions are met:

(a) The microbrewery receiving the transferred manufactured beverages shall be wholly owned by the permitted microbrewery that brews the manufactured beverages authorized for transfer.

(b) The receiving microbrewery shall have, at a minimum, a ten barrel brewing system.

(c) The microbrewery transferring the manufactured beverages shall be responsible for paying all applicable federal, state, and local excise taxes on the transferred manufactured beverages.

(d) Only one permitted microbrewery within the same municipality shall be allowed to receive the transfer of manufactured beverages pursuant to this Section.

(3) A licensed wholesaler transferring the manufactured beverages pursuant to this Section shall be exempt from the provisions of R.S. 26:359(A).

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

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**ACT No. 551**

**SENATE BILL NO. 477**

BY SENATOR SMITH

AN ACT

To enact R.S. 32:387.2, relative to special permits; to establish a permit for the operation of a combination of vehicles or tandem loads hauling containers to and from port facilities; to provide for the adoption of administrative rules; to provide for terms, conditions, requirements, and specifications; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:387.2 is hereby enacted to read as follows:

§271. Microbrewery; retail sales on or off premises

A. (1) Any person who has properly obtained a microbrewery’s permit as provided for in R.S. 26:271, shall be authorized to engage in the brewing of beer and other malt beverages in a quantity not to exceed twelve thousand five hundred barrels during the licensed year. The holder of such permit shall also be authorized to sell the manufactured beverages at retail for consumption on or off the licensed premises, if the holder also has been issued a Retailer, Class A permit.

(2) A licensed wholesaler may transfer from a permitted microbrewery to another permitted microbrewery up to fifty percent of the total manufactured beverages sold at the receiving microbrewery provided all of the following conditions are met:

(a) The microbrewery receiving the transferred manufactured beverages shall be wholly owned by the permitted microbrewery that brews the manufactured beverages authorized for transfer.

(b) The receiving microbrewery shall have, at a minimum, a ten barrel brewing system.

(c) The microbrewery transferring the manufactured beverages shall be responsible for paying all applicable federal, state, and local excise taxes on the transferred manufactured beverages.

(d) Only one permitted microbrewery within the same municipality shall be allowed to receive the transfer of manufactured beverages pursuant to this Section.

(3) A licensed wholesaler transferring the manufactured beverages pursuant to this Section shall be exempt from the provisions of R.S. 26:359(A).

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State
A true copy: Approved by the Governor, June 17, 2022.

R. Kyle Ardoin
Secretary of State

ACT No. 552

SENATE BILL NO. 498
(Substitute of Senate Bill No. 437 by Senator Stine)
BY SENATOR STINE
AN ACT

To enact R.S. 48:2083, relative to the Louisiana Transportation Authority; to provide for design build projects; to provide for unsolicited proposals; to provide for responsibilities of the Department of Transportation and Development; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:2083 is hereby enacted to read as follows:

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

R. Kyle Ardoin
Secretary of State

ACT No. 553

HOUSE BILL NO. 586
BY REPRESENTATIVES THOMAS AND BOYD
AN ACT

To enact R.S. 37:1435.1, relative to the authority of the Louisiana Real Estate Commission; to authorize access to certain criminal history record information; to provide for definitions; to provide for legislative intent; to establish minimum standards of procedures, to provide for limitations to the access and use of certain criminal history record information; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1435.1 is hereby enacted to read as follows:

AR. 37:1435.1. Authority to obtain criminal history record information

A. As used in this Section, the following terms have the following meanings:

(1) “Applicant" means an individual who applies to the commission to request the issuance of any form of licensure or the commission is authorized to issue according to this Chapter.

(2) “Bureau" means the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections.

(3) “Commission" means the Louisiana Real Estate Commission.

(4) “Criminal history record information" means all state records of arrest, prosecution, conviction, including those which have been expunged or dismissed pursuant to Code of Criminal Procedure Article 893, and national records which shall include fingerprints of the applicant, biometrics, and other identifying information, if so requested by the department.

(5) “FBI" means the Federal Bureau of Investigation of the United States Department of Justice.

(6) “License" means any form of licensure the commission is authorized to issue in accordance with this Chapter.

B. (1) The legislature hereby finds and declares it is vitally important to the public health, interest, and welfare to protect Louisiana citizens, their residences, and other property by reasonably regulating the licensure of persons performing real estate activities in this state.

(2) Accordingly, pursuant to this Section, the commission is hereby authorized to request and obtain state and national criminal history record information from the bureau and the FBI regarding each applicant.

The provisions of this Section and all legislative authority for the existence of the permits authorized in this Section shall cease to exist on August 1, 2026.

D. The provisions of this Section and all legislative authority for the existence of the permits authorized in this Section shall cease to exist on August 1, 2026.

E. (1) Notwithstanding any other provision of this Section, this Section shall not apply to any licensee, who is licensed and in good standing with the commission, on or before December 31, 2022.

(2) Notwithstanding Paragraph (1) of this Subsection, any real estate salesperson licensed on or before December 31, 2022, who subsequently applies on or after January 1, 2023, for initial or reinstatement licensure under this Subchapter, shall be subject to the provisions of this Section.

(3) The commission is hereby enacted to read as follows:

A. R.S. 22:1483.1 is hereby enacted to read as follows:

ACT No. 554

HOUSE BILL NO. 612
BY REPRESENTATIVE HUVAL
AN ACT

To enact R.S. 22:1483.1, relative to the Louisiana Fortify Fort Homes Program; to provide for financial grants to retrofit residential property; to define certain terms; to provide for eligibility requirements; to provide for confidentiality of applicants; to provide for an effective date; to provide for termination of the program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1483.1 is hereby enacted to read as follows:

A. The Louisiana Fortify Fort Homes Program is hereby created within the department. The commissioner, as program administrator, may make financial grants to retrofit residential property.
Section 1. R.S. 30:136.3(D) and 1154(A)(introductory paragraph), (B), (C), and (D) and to enact R.S. 30:136.3(B)(5) and 1154(A)(9), (E), and (F), relative to solar energy; to provide for the powers and duties of the secretary of the Department of Natural Resources; to require a permit to construct or operate a solar power generation facility; to provide for fees; to provide for financial security; to provide for terms, conditions, and exceptions; to provide for the Mineral and Energy Operation Fund; to provide for definitions; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:136.3(D) and 1154(A)(introductory paragraph), (B), (C), and (D) are hereby amended and reenacted R.S. 30:136.3(B)(5) and 1154(A)(9), (E), and (F) are hereby enacted to read as follows:

§1154. Regulations governing solar power generation facilities

(a) The secretary shall develop and adopt, in cooperation with affected utility, agricultural, and solar industries, landowners, and consumer representatives and after one or more public hearings, regulations governing solar power generation facilities and property leases for the exploration, development, and production of solar energy. The regulations shall be designed to encourage the development and use of solar energy and to provide maximum information to the public concerning solar devices and solar power generation facilities. The regulations may include all of the following:

(1) Obtain all permits required by law or ordinance for construction.

(2) Arrange and pay for inspections required by law or ordinance and the terms of the grant, which shall include inspection pursuant to R.S. 22:1483(C) is hereby established in the state treasury as a special fund, the "fund". Monies in the fund shall be invested in the same manner as monies in the state general fund, and any interest earned on monies in the fund shall be used to provide grants pursuant to this Section. Monies in the fund shall be used to provide grants pursuant to this Section.

(b) In determining the adequacy of the amount or other specific requirements of the bond or other financial security, the secretary shall consider the following:

(i) The condition and capacity of the facilities to be covered by such security.

(ii) The estimated cost of site closure and remediation that includes the estimated cost of removing the solar power generation facility and associated infrastructure from the property, restoration of the property, the ensuring of the property, and the property shall be as near as reasonably possible to the condition of the property prior to the commencement of construction of the facility. The secretary may consider only the salvage value of the facility and associated infrastructure in determining the cost of removing the solar power generation facility and associated infrastructure are available in decommissioning during a bankruptcy of the facility owner or operator. The secretary shall adjust the estimated cost based upon any updated decommissioning plan submitted pursuant to Paragraph (D)(2) of this Section. Any increase in the amount of financial security required shall be secured by the permit holder within thirty days of notification of the increase.

(c) Subparagraphs (a) and (b) of this Paragraph shall not apply to the following solar power generation facilities that are owned by an electric utility provider regulated by the Public Service Commission or the council of the city of New Orleans:

(i) Facilities located on land owned by the electric utility provider and the provider is capable of demonstrating a decommissioning plan to the regulator.

(ii) Facilities located on land leased by the electric utility provider and that meet both of the following conditions:

(aa) The regulated electric utility provider guarantees to the landowner or lessor that the regulated electric utility provider will pay the cost of the decommissioning plan provided for in Paragraph (D)(2) of this Section and the guarantee is acceptable to the secretary.

(bb) The lease between the landowner or lessor and the regulated electric utility provider provides for site decommissioning at the end of the facility's life, at the termination of the lease, as determined by a court of competent jurisdiction, and upon other circumstance that requires closure of the facility. The secretary shall require the provider to provide a decommissioning plan to the regulator. The secretary shall not release the bond or other financial security of the seller or transferee until the buyer or transferee provides a bond or other acceptable financial security in accordance with the provisions of this Section.

(d) If the Secretary of State shall determine that the provision of Paragraph (D)(2) of this Section is not otherwise adequate to ensure the following:

(i) Substantial compliance with this Section

(ii) All relevant rules and regulations promulgated pursuant to this Section

(iii) Compliance with any permit issued or enforced pursuant to this Section

(iv) Any condition of the grant, which shall include inspection pursuant to R.S. 22:1483(C) are hereby established in the state treasury as a special fund, the "fund". Monies in the fund shall be used to provide grants pursuant to this Section. Monies in the fund shall be used to provide grants pursuant to this Section.

(v) The condition and capacity of the facilities to be covered by such security.

(vi) The estimated cost of site closure and remediation that includes the estimated cost of removing the solar power generation facility and associated infrastructure from the property, restoration of the property, and the property shall be as near as reasonably possible to the condition of the property prior to the commencement of construction of the facility. The secretary may consider only the salvage value of the facility and associated infrastructure in determining the cost of removing the solar power generation facility and associated infrastructure are available in decommissioning during a bankruptcy of the facility owner or operator. The secretary shall adjust the estimated cost based upon any updated decommissioning plan submitted pursuant to Paragraph (D)(2) of this Section. Any increase in the amount of financial security required shall be secured by the permit holder within thirty days of notification of the increase.

(e) Any increase in the amount of financial security required shall be secured by the permit holder within thirty days of notification of the increase.

(f) This Act shall become effective January 1, 2023.
cooperative endeavor agreements, in accordance with this Chapter and R.S. 39:1483, to provide for economic development; to provide for definitions; to provide for the purposes of R.S. 39:1484, to be comprised of R.S. 39:1481 through 1485, relative to economic development; to provide for intent; to provide for objective and intent of this Chapter. The legislature recognizes the strong competition among states to attract new business and industry and to grow existing business and industry within their respective regions through the use of funds awarded through the Louisiana Competes Regional Economic Development Program, as provided for in this Chapter. It is the intent of the legislature to authorize and direct the execution of cooperative endeavor agreements, in accordance with this Chapter and R.S. 39:1489, to the state and each of the eight regional economic development organizations where the state will provide economic support to the regional economic development organizations in exchange for the regional economic development organizations’ obligations of providing local and tailored services directly related to attracting new business and industry and growing existing business and industry within their respective regions through the use of funds awarded through the Louisiana Competes Regional Economic Development Program, as provided for in this Chapter.

For purposes of this Chapter, the following words have the following meanings:

1. “Louisiana Competes Regional Economic Development Program” means the Louisiana Competes Regional Economic Development Program to a regional economic development organization. Section 1483. Louisiana Competes Regional Economic Development Program

A. There is hereby created the Louisiana Competes Regional Economic Development Program to be administered by the Department of Economic Development to assist regional economic development organizations pursuant to the Louisiana Competes Regional Economic Development Program as established in this Chapter. B. Each regional economic development organization shall receive an initial grant in the amount of one-eighth of the initial funds appropriated in accordance with the provisions of this Chapter. Each regional economic development organization shall receive all subsequent grants in the amount of one-eighth of the annual funds appropriated or otherwise generated in accordance with the provisions of this Chapter.

C. Without limiting the provisions of Subsections A and B of this Section, a regional economic development organization shall not utilize grant funds to pay for qualified expenditures related to the furtherance of economic development within the region it represents. Qualified expenditures are limited to site development costs for publicly owned property or other property to the extent allowable under Article VII, Section 14 of the Constitution of Louisiana and other applicable state law.

D. Site development costs include but are not limited to costs incurred for the following:

(1) Studies.
(2) Surveys.
(3) Development of plans and specifications.
(4) Entering into option agreements.
(5) Infrastructure improvements.
(6) Due diligence.
(7) Remediation.
(8) Wetland delineation.
(9) Professional services for architectural, engineering, legal, construction, and financial services related to site development.

§1481. Legislative intent

The legislature recognizes the strong competition among states to attract new business and industry and to grow existing business and industry. It is further recognized that different regions within a state have different characteristics and attributes which are advantageous to specific sectors of the economy, resulting in the development of economic development opportunities relative to economic development. The legislature believes that local citizens working through regional economic development organizations are uniquely positioned to support the state’s overall economic development efforts. In support of this, it is the intent of the legislature to authorize and direct the execution of cooperative endeavor agreements, in accordance with this Chapter and R.S. 39:1489, by and between the state and each of the eight regional economic development organizations.
To enact R.S. 22:1338, relative to additional living expense coverage for home owner’s insurance; to provide for an advance payment in the event of a total loss; to provide for payment after the advance period; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1338 is hereby enacted to read as follows:

§1338. Additional living expense coverage: total loss
A. If a dwelling is destroyed by a covered peril, the insurer shall, upon request by the insured, render an advance payment equal to the estimated value of three months of increased cost of living expenses, as defined in the policy to enable the insured to maintain their normal standard of living. Further payments of additional living expense coverage, after the advance period, shall be payable upon submission of satisfactory proof of loss, if it is determined that the actual cost of incurred additional living expense exceeds the amount previously advanced.

B. Nothing in this Section shall be interpreted to prohibit an insurer from restricting payment in cases of suspected fraud.

Section 2. This Act shall become effective on January 1, 2023; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or January 1, 2023, whichever is later.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 559

HOUSE BILL NO. 856
BY REPRESENTATIVE GEYMANN

AS IT APPEARS IN THE ENROLLED BILL

To amend and reenact R.S. 22:1892(G), relative to the appraisal clause required in all residential property insurance policies; to provide notice that lawsuits regarding a policy will be held in abatement in certain circumstances; to provide for the courts’ discretion in setting a deadline for timely demanding appraisal; to provide for enforcement; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1892(G) is hereby amended and reenacted to read as follows:

§1892. Payment and adjustment of claims, policies other than life and health and accident; vehicle damage claims; extension of time to respond to claims during emergency or disaster; penalties; arson-related claims suspension

G. On or after January 1, 2022, residential property insurance policies shall contain the following provision, with permission to substitute the words “this company” with a more accurate descriptive term for the insurer:

“Appraisal. If you and this Company fail to agree as to the amount of loss, either party may demand that the amount of the loss be set by appraisal. If either party makes a written demand for appraisal, each party shall select a competent appraiser and notify the other party of their appraiser’s identity within twenty days of receipt of the written demand for appraisal. The appraisers shall select a competent umpire, but if after fifteen days the appraisers have not agreed upon who will serve as umpire, the umpire shall be appointed by a judge of the court of record in which the property is located. The appraisers shall appraise the loss. If the appraisers submit written notice of an agreement as to the amount of the loss to this Company, the amount agreed upon shall set the amount of the loss. If the appraisers fail to agree within thirty days, the appraisers shall submit their differences along with any supporting documentation to the umpire, who shall appraise the loss. The appraisers may extend the time to sixty days, which they shall agree upon the amount of loss or submit their differences and supporting documents to the umpire, if the extension is agreed to by the appraisers from both parties. A written agreement signed by the umpire and each party’s appraiser shall set the amount of the loss, which must be appraised by the party selecting that appraiser. Other expenses of the appraisal and the expenses of the umpire shall be divided and paid in equal shares by you and the Company. If there is an appraisal award, all applicable policy terms, limits, deductibles, and conditions will still apply. If you file a lawsuit relative to this policy against this Company prior to a demand for appraisal, the lawsuit will be held in abatement until the execution of an appraisal award. During the period between a timely demand for appraisal and the execution of an appraisal award, an insurer may pursue the court of record in which the property is located may enforce the deadlines of this clause. It is reasonable to demand for appraisal alterations; all parties have filed pleadings in a lawsuit, and require compliance with discovery and disclosure obligations relative to aspects of the lawsuit unrelated to the appraisal.”

Section 2. This Act shall become effective January 1, 2023.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 558

HOUSE BILL NO. 631
BY REPRESENTATIVE FIRMEN

An ACT

As it appears in the enrolled bill

THE ADVOCATE PAGE 17
ACT No. 560
HOUSE BILL NO. 904
BY REPRESENTATIVES PHELPS AND LANDRY
AN ACT
To amend and reenact R.S. 14:34.1(A) (introductory paragraph), relative to malfeasance in office; sexual conduct prohibited with persons in the custody and supervision of the Department of Public Safety and Corrections.
A. It shall be unlawful and constitute malfeasance in office for any of the following persons to engage in sexual intercourse or any other sexual conduct with a person who is under their supervision and who is confined in a prison, jail, work release facility, or correctional institution, or who is under the supervision of the division of probation and parole, or who is detained or arrested:

Approved by the Governor, June 17, 2022.
R. Kyle Ardoin
Secretary of State

ACT No. 561
HOUSE BILL NO. 909
BY REPRESENTATIVES EDMONS AND GAROFALO
AN ACT
To enact Chapter 15 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:1451 through 1455, relative to assistance programs of the Department of Children and Family Services; to establish within the department an assistance program for certain pregnant women and parents; to provide for services to be delivered through the program; to require reporting to certain legislative committees concerning the program; to require administrative rulemaking; and to provide for related matters.

As used in this Chapter, the following terms have the meaning ascribed to them in this Section:
A. “Department” means the Department of Children and Family Services.
B. “Program” means the continuum of care program established and provided for in this Chapter.
C. “TANF” means the Temporary Assistance for Needy Families block grant program established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, and administered in this state by the Department of Children and Family Services.

The department shall promulgate in accordance with the Administrative Procedure Act all such rules as are necessary to implement the provisions of this Act.

R. Kyle Ardoin
Secretary of State

ACT No. 562
HOUSE BILL NO. 914
BY REPRESENTATIVE CREWS AND SENATOR FOIL
AN ACT
To enact R.S. 17:436.4, relative to students with seizure disorders; to provide for the training of school nurses and other school employees; to provide for management and treatment plans for students who have seizure disorders; and to provide for related matters.

The department shall provide in rule for the functions and administration of this network.

D. Any program participant who terminates a pregnancy shall be eligible to continue receiving services through the program for a period of six months from the date of the pregnancy termination.

Secretary of State

THE ADVOCATE
If a claim accrues to more than one claimant, any unused amount may be carried forward against subsequent tax years of the claimant, but in such event the amount due such claimant shall be paid and then only if the amount to be paid to each such claimant does not exceed twenty thousand dollars.

B. The Department of Education shall develop or approve and make available two courses of instruction regarding treating students with seizure disorders that include information about seizure recognition and related first aid. One course shall be designed for school nurses and the other course for other school employees and school bus operators who have regular interactions with students for whom there is a seizure management and treatment plan. Each local public school governing authority shall require school nurses and such school employees and school bus operators to successfully complete the applicable course biennially.

Approved by the Governor, June 17, 2022.

R. Kyle Ardoin
Secretary of State

ACT No. 563

HOUSE BILL NO. 921
BY REPRESENTATIVE MCFARLAND
AN ACT
To amend and reenact R.S. 17:437.2(A)(2), (B), (C)(3), and (D) and to enact R.S. 17:407.22.1 and 437.2(A)(3) and (E), relative to adverse childhood experience in early childhood education; to provide for definitions; to require the creation of programs; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:437.2(A)(2), (B), (C)(3), and (D) are hereby amended and reenacted as follows:

§437.2.  Adverse childhood experiences; trauma-informed experience education; in-service training
A. As used in this Section:
   * * *
   (2) “Trauma-informed Adverse childhood experience education” means a school-wide approach to education and a classroom-based approach to student learning that recognizes the signs and symptoms of adverse childhood experiences in students, families, and staff and responds by integrating knowledge about trauma-informed adverse childhood experience policies, professional learning procedures, and practices to address the long-term effects of adverse childhood experiences on a student's cognitive functioning and his physical, social, emotional, and mental well-being.

B. The department shall report to the legislature by January 31, 2023, relative to the status, progress, and effects of the programs implemented pursuant to Subsection A of this Section.

§437.2.  Adverse childhood experiences; trauma-informed experience education; in-service training
A. As used in this Section:
   * * *
   (2) “Trauma-informed Adverse childhood experience education” means a school-wide approach to education and a classroom-based approach to student learning that recognizes the signs and symptoms of adverse childhood experiences in students, families, and staff and responds by integrating knowledge about trauma-informed adverse childhood experience policies, professional learning procedures, and practices to address the long-term effects of adverse childhood experiences on a student's cognitive functioning and his physical, social, emotional, and mental well-being.

This Act shall become effective on the day following such approval.
Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 896(H) is hereby enacted to read as follows:

Art. 896. Deferred dispositional agreement

H. Notwithstanding any provision of law to the contrary, a child shall not be eligible for a deferred dispositional agreement as provided in this Article if the child has been convicted of a crime of violence as defined in R.S. 14:2(B).

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 566

HOUSE BILL NO. 455
BY REPRESENTATIVE MINCEY
AN ACT

To amend and reenact R.S. 17:11(A), relative to approval of nonpublic schools; to provide for teacher qualifications; to provide for the powers and duties of the State Board of Elementary and Secondary Education; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:11(A) is hereby amended and reenacted to read as follows:

$11. Approval of nonpublic schools by board

A.(1) The board shall adopt standards and guidelines which shall be applied in determining whether a nonpublic school applying for approval meets the requirements of a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools.

(2) The board shall not adopt a standard or guideline that prohibits a nonpublic, parochial school or school board from hiring a teacher solely because the accreditation of the postsecondary education institution at which he completed his teacher education program is not a regional accreditation. Such a school or school board may hire a teacher who completed his teacher education program at a nationally accredited institution and who meets all other criteria provided in the standards and guidelines.

(3) The board shall appoint an advisory committee of nonpublic school representatives, who shall advise and counsel with the board relative to standards and guidelines affecting these schools. After initial approval the board shall periodically determine whether the nonpublic school is maintaining such quality and if not, shall discontinue approval of the school.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 567

HOUSE BILL NO. 470
BY REPRESENTATIVE MCKNIGHT
AN ACT

To amend and reenact R.S. 46:1844(N)(2), relative to notification of an inmate’s release; to provide relative to notification for victims, family members of victims, persons who filed victim registration and notification forms, law enforcement agencies, and district attorneys; to provide relative to notification of the release of an inmate who has been convicted of a crime of violence or sex offense; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:1844(N)(2) is hereby amended and reenacted to read as follows:

$1844. Basic rights for victim and witness

N. * * *

(2)(a) Upon filing of a victim notice and registration form by a victim or a family member, or a witness, it shall be the duty of the Department of Public Safety and Corrections, corrections services, at the time of the appeal, discharge, or parole of an inmate including a juvenile inmate, to notify the victim, family member, or witness, all registered persons by certified mail or electronic communications of such appeal or release. Such form shall be included in the prisoner's commitment documents to be delivered to the warden of any state correctional facility where such prisoner has been committed or transferred.

(b) If an inmate who has been convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 is eligible for release pursuant to R.S. 15:571.3, the Department of Public Safety and Corrections shall, if known by the department, notify the victim or the victim's family, all persons who have filed a victim registration and notification form, the appropriate law enforcement agency, and the appropriate district attorney no later than sixty days prior to the inmate's release.

(c) Notice by electronic communication shall be allowed only in instances where the registered person has opted-in to such form of notification during the registration process and is complete upon transmission.

Section 2. This Act shall be known and may be cited as the “Becnel Survivor Notification Act”.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 569

HOUSE BILL NO. 508
BY REPRESENTATIVES GREGORY MILLER, ADAMS, BACALA, BAGLEY, CARRIER, CORMIER, COUSSAN, CREWS, DAVIS, DEVILLIER, ECHOLS, EDMONSTON, FARNUM, FISHER, FREEMAN, FREIBERG, GREEN, HARRIS, HILFERTY, HODGES, HORTON, HUGHES, ILLG, JENKINS, MIKE JOHNSON, LAFLUR, LANDRY, NEWELL, CHARLES OWEN, ROBERT OWEN, PIERRE, ROMERO, SCHAMERHORN, SCHEXNAYDER, SCHLEGEL, SELDERS, STAGNI, THOMPSON, VILLIO, AND WHITE

AN ACT

To amend and reenact R.S. 17:3914(N), relative to personally identifiable information of public school students; to require the disclosure of social security numbers of certain students; to provide for the sharing of information with the Louisiana Workforce Commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3914(N) is hereby enacted to read as follows:

§3914. Student information; privacy; legislative intent; definitions; prohibitions; parental access; penalties

N(1) Notwithstanding any provision of this Section to the contrary, each public secondary school governing authority shall do the following:

(a) For the sole purpose of evaluating state and federal programs that prepare students for postsecondary education, workforce training, and employment, collect the social security number of each student who is pursuing a diploma, not later than the beginning of the student's senior year, subject to the permission of the student's parent or legal guardian or the permission of the student if he has reached the age of majority.

(b) Disclose the social security number to the company with which the state has contracted to develop unique student identifiers and the Louisiana Workforce Commission.

(c) At the beginning of each school year, provide a form for granting permission as provided in Subparagraph (a) of this Paragraph. The form shall include a statement that the purpose of the disclosure of the student's information is to evaluate and improve state and federal programs that prepare high school students for postsecondary education, workforce training, and employment; that other personally identifiable information will not be disclosed; and that the consent may be revoked at any time by a parent or legal guardian of a minor or by a student who has reached the age of majority.

(2) The company with which the state has contracted to develop the unique student identifier shall assign an identifier for each student who successfully completes high school from the lists provided by public school governing authorities and provide a list of unique identifiers and corresponding social security numbers to the commission for the purpose of matching the information until the individual reaches the age of twenty-six, wage data, North American Industry Classification System data through the third digit, and Standard Occupational Classification System data.

(3) For the express purpose of state and federal program evaluation, the commission shall remove any and all social security numbers from the data and provide a list of high school graduates for whom the wage and employment data specified in Paragraph (2) of this Subsection are available.

(4) Any exchange of student information pursuant to the provisions of this Section shall be done in accordance with the Family Educational Rights and Privacy Act, 20 CFR Part 603 regarding the confidentiality of unemployment compensation information, and the provisions of R.S. 23:1660.

(5) Any agreement providing for the exchange of information pursuant to the provisions of this Subsection shall provide for the payment of any costs of disclosure of wage and employment data specified in Paragraph (2) of this Subsection.

(6) Any person who knowingly and willfully fails to maintain the confidentiality of personally identifiable information of students is subject to the penalties provided for in Subsection 2 of this Section and the provisions of R.S. 23:1660.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 568

HOUSE BILL NO. 509
BY REPRESENTATIVES GREGORY MILLER, ADAMS, BACALA, BAGLEY, CARRIER, CORMIER, COUSSAN, CREWS, DAVIS, DEVILLIER, ECHOLS, EDMONSTON, FARNUM, FISHER, FREEMAN, FREIBERG, GREEN, HARRIS, HILFERTY, HODGES, HORTON, HUGHES, ILLG, JENKINS, MIKE JOHNSON, LAFLUR, LANDRY, NEWELL, CHARLES OWEN, ROBERT OWEN, PIERRE, ROMERO, SCHAMERHORN, SCHEXNAYDER, SCHLEGEL, SELDERS, STAGNI, THOMPSON, VILLIO, AND WHITE

AN ACT

To amend and reenact R.S. 17:11(A), relative to approval of nonpublic schools; to provide for teacher qualifications; to provide for the powers and duties of the State Board of Elementary and Secondary Education; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:11(A) is hereby enacted to read as follows:

$11. Approval of nonpublic schools by board

A.(1) The board shall adopt standards and guidelines which shall be applied in determining whether a nonpublic school applying for approval meets the requirements of a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools.

(2) The board shall not adopt a standard or guideline that prohibits a nonpublic, parochial school or school board from hiring a teacher solely because the accreditation of the postsecondary education institution at which he completed his teacher education program is not a regional accreditation. Such a school or school board may hire a teacher who completed his teacher education program at a nationally accredited institution and who meets all other criteria provided in the standards and guidelines.

(3) The board shall appoint an advisory committee of nonpublic school representatives, who shall advise and counsel with the board relative to standards and guidelines affecting these schools. After initial approval the board shall periodically determine whether the nonpublic school is maintaining such quality and if not, shall discontinue approval of the school.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 569

HOUSE BILL NO. 510
BY REPRESENTATIVE MINCEY AND SENATOR BARROW
AN ACT

To enact R.S. 17:4720, relative to public school teachers; to provide relative to
the effectiveness of requirements for training of professional teachers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:420 is hereby enacted to read as follows:

§420. Required teacher training

No requirement that increases the uncompensated training burden on professional teachers shall become effective. A requirement for additional teacher training shall become effective only if provision is made for teachers to receive the training at a time when they are being compensated and not participating in local professional development activities or the burden of the requirement is offset by the elimination of another training requirement completion of which requires at least the same amount of time as the additional requirement.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 570
- - - - -
BY REPRESENTATIVES LACOMBE AND ROMERO
AN ACT

To enact R.S. 26:309, relative to alcohol beverage control; to provide relative to brewing facilities; to authorize manufacturers or brewers to host contracted private events at brewing facilities; to provide for certain restrictions with respect to contracted private events at brewing facilities; to authorize manufacturers or brewers to charge certain fees for contracted private events at brewing facilities; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:309 is hereby enacted to read as follows:

§309. Licensed manufacturers or brewers; contracted private events

A. Notwithstanding any provision of law to the contrary, a manufacturer or brewer as defined in R.S. 26:241 may lease its facility to a person not licensed pursuant to this Chapter for no more than twelve contracted private events per year during which food and alcoholic beverages not produced at that licensed facility may be served to guests of the contracted private event by a caterer holding a permit issued pursuant to this Title if a copy of the lease is provided to the commissioner at least ten days prior to the event.

B. The manufacturer or brewer may charge a reasonable rental fee to the person not licensed pursuant to this Chapter for the contracted private event.

C. The manufacturer or brewer may serve to guests beer manufactured at that licensed facility. The brewer shall not charge the person not licensed pursuant to this Chapter more than its standard prices for such products.

D. The manufacturer or brewer may charge certain fees for contracted private events at brewing facilities; to provide for an effective date; and to provide for related matters.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 571
- - - - -
BY REPRESENTATIVE BEAULLIEU
AN ACT

To amend and reenact R.S. 18:1373(A)(2), relative to preparation, testing, and adjusting of voting machines, to provide for notice of preparation of voting machines; to provide for review of test vote report; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1373(A)(2) is hereby amended and reenacted to read as follows:

§1373. Notice of preparation of machines for election; preparation of machines for election; testing and adjusting; examination by candidate or his representative; securing and sealing machines

A. * * *

(2) Claims that are filed online from a foreign internet protocol address.

(3) Multiple or duplicative claims that are filed and associated with the same internet protocol address.

(4) Claims that are filed online from a foreign bank account.

(5) Claims that are filed from a foreign internet protocol address.

(6) Claims that have been previously filed online.

(7) Claims that are filed online from a foreign internet protocol address.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 572
- - - - -
BY REPRESENTATIVE EDMONDS
AN ACT

To amend and reenact R.S. 18:1373(A)(2), relative to preparation, testing, and adjusting of voting machines, to provide for notice of preparation of voting machines; to provide for review of test vote report; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1373(A)(2) is hereby amended and reenacted to read as follows:

§1373. Notice of preparation of machines for election; preparation of machines for election; testing and adjusting; examination by candidate or his representative; securing and sealing machines

A. * * *

(2) The department shall adopt and implement an internal administrative policy to recover improper overpayments to the fullest extent possible by state and federal law.

(3) The department shall have the authority to execute a memorandum of understanding with any state department, agency, or division for data that is necessary to carry out the purposes of this Section.

(4) The department shall promulgate all rules and regulations necessary for the purposes of carrying out the provisions of this Section.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 573
- - - - -
BY REPRESENTATIVE STEFANSKI
AN ACT

To amend and reenact R.S. 38:2225.2 and other related laws, relative to the provisions of construction management at risk project delivery method, to provide for the “selection review committee” definition to include ranking proposers; to provide for the requirements of the selection review committee members; to provide for the procedures of the selection review committee; to provide for the requirements of the request for qualifications; to exempt the selection review committee meetings from the Open Meetings Law; to provide for the procedure of a nonresponsive construction management at

The Advocate As it appears in the enrolled bill

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risk bid winner; and to provide for related matters.  
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2225.2.4(B)(1)(a) is hereby amended and reenacted and R.S. 38:2225.2.4(B)(7) and (F)(2)(f) and (6) are hereby enacted to read as follows:

$2225.2.4. Construction management at risk; public entity

** * * *
B.

(5) “Selection review committee” means the committee appointed by the owner to review the request for qualifications, score, or rank of the proposers, and recommend award to a construction management at risk contractor. The committee shall consist of no more than five individuals as follows:

** * * *
(7) All selection review committee members shall be required to sign an ethics statement prior to commencement of any committee meeting.

** * * *
F.

(2) The RFQ shall include the following as well as any other pertinent information listed to the qualifications of a proposer that the owner determines a proposer may need to submit in a response to an RFQ:

** * * *
(6) If the owner deems the highest scored or ranked proposer to be non-responsive or non-responsible, then the public entity may award the project to the next highest scored or ranked proposer.

Approved by the Governor, June 17, 2022.  
A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 574

HOUSE BILL NO. 783
BY REPRESENTATIVE DAVIS

To amend and reenact R.S. 81(introductory paragraph), (5), (8), (9), (11), and (13) through (40), 67, 70, 76(A) and (B), 78(D), 103, 105, 107, 122(A), 123(B) (introductory paragraph), 131(A), 131.1(A), 131.2(A), 131.3(A), 131.23(B) (introductory paragraph), 135(A), 135.1(A), 135.2(B), (D) (introductory paragraph), 141, 141.1(C), 141.3(B), (C), (E), and (F), 204, 302(A) through (C), 303, 305 through 307, 308(A) and (C), 311, 314, 316 through 401, 402(introductory paragraph), 403, 404, 407, 408, 411(introductory paragraph), 412(B)(2), 451, 453, 454.1(A), 455, 457 through 459, 459.1(A) and (B), 460, 461(B), 465(A)(1)(introductory paragraph), (b), and (c), (2), (4)(h), and (5)(d), (B), and (C), 501(A), 501.2(A)(1)(a) and (D), 502.2(introductory paragraph) and (5), 503, 504, 505, 505.2(introductory paragraph) and (3), 506(B) and (C)(1), 506.1(A), 507, 508, 601, 604, 605, 606, 606(B), 653(B), 663(B), (C), 690(A) and (C), 701 through 705, 706(C), 801, 802(B), (E), and (F), 803, 805 through 809, 813, 901, 902, 903(A) and (B), 903.1, 904, and 905(C) are hereby amended and reenacted and R.S. 81(14) through (44) are hereby enacted to read as follows:

§1. Definitions

As used in this Title, the following words and phrases, terms have the following meanings unless the context otherwise clearly indicates otherwise:

** * * *
(5) “Cemetery” means any person, firm, corporation, limited liability company, trust, partnership, association, or municipality owning, operating, controlling, or managing a cemetery or holding lands within this state for interment purposes.

(6) “Cemetery business” and “cemetery purposes” mean any and all business and purposes requisite to, necessary for, or incident to establishing, maintaining, operating, improving, or conducting a cemetery, interring human remains, and the care, preservation, and embellishment of a cemetery.

(11) “Cemetery sales organization” means any legal entity contracting as an independent contractor with a cemetery authority to conduct sales of one or more cemetery spaces, whether by deed, servitude, grant of right to use or otherwise, under or cemetery products.  
** * * *
BY REPRESENTATIVE DA VIS

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* As it appears in the enrolled bill

THE ADVOCATE

CODING: Words in **style** type are deletions from existing law; words underlined (House Bills) and underscored and boldfaced (Senate Bills) are additions.
prevents the timely completion of a project.

Title and prescribe the form of who fail to file an application for a certificate of this Title, but such rules and as the immovable property subject to taxation, and may be held under set forth in this Title or of R.S. 49:951, et seq.

§78. Exemptions; exempt certificates of authority: renewal; fees

D. Notwithstanding the provisions of this Section, every cemetery authority or person, hereinafter referred to in this Subsection referred to as the "applicant", seeking to be identified as a cemetery or columbarium facility that is exempt pursuant to the provisions of this Section, shall provide the board such proof as the board deems necessary to determine whether an applicant meets the qualifications for exemption. If the board determines that an applicant is exempt pursuant to the provisions of this Title, the applicant shall file a certificate of authority on a form prescribed by the board, accompanied by an application fee of two hundred fifty dollars to cover the board's reasonable and ordinary expenses associated with determining whether the applicant is in compliance with applicable provisions of this Title.

§106. Anticipation of revenues; bonds or certificates; taxes

In order to provide a site or grounds and additions thereto and to provide and maintain streets, curbs, aisles, walkways, outside fences, drainage, and any building that may be needed for the use of a sexton or caretaker, as well as any electrical illumination needed, and to provide for the employment of a sexton or caretaker and the cutting of grass and the acquisition of and planting and care of trees, shrubbery, and flowers, the governing authority of the municipality may either anticipate the revenues of the municipality or of any cemetery space or of any cemetery space or any of the following: by the governing authority, pursuant to the law, to vote negotiable bonds, within the limitations authorized by law, for any of the above purposes, and thereby levy and collect taxes and pay and retire the bonds authorized at the election.

§107. Gifts, donations and contributions

The municipal governing authority may accept gifts for purposes of establishing, maintaining a public cemetery, provided there is no condition thereto inconsistent with the purposes hereinafter set forth in this Chapter.

§122. Board, qualification of members; appointment; vacancies; removal of members; officers

A. The St. Mary Parish Cemetery District shall be governed by a board of five commissioners, hereinafter referred to in this Chapter as the board, who shall be qualified voters and residents of the district and who shall serve without compensation. The board shall consist of five commissioners, hereinafter referred to in this Chapter as the "commissioners", who shall be qualified voters and residents of the district and who shall serve for a term of two years, or until their successors are elected and qualified.

§123. Corporate status; purpose; powers and duties

B. The district, through its board of commissioners, is hereby granted and shall have and may exercise all powers necessary or convenient for carrying out its purposes, including, but not limited to the following:

§131. Rapids Parish Cemetery District; creation; location

A. The Rapids Parish Police Jury is hereby authorized to create the Rapids Parish Cemetery District, hereinafter referred to in this Chapter as the "district", to be composed of that part of Rapides Parish located outside the incorporated municipalities of the parish. The objective and purpose of the district shall be the preservation and restoration of ancestral resting places; and abandoned or historic cemeteries, thereby preserving heritage and encouraging tourism.

§131.1. Board of commissioners; membership; appointment; vacancies; removal of members; officers

A. The Rapids Parish Cemetery District shall be governed by a board of non-voting members, hereinafter referred to in this Chapter as the board, who shall be qualified voters and residents of the district and who shall serve without compensation. The police jury shall appoint one commissioner from each of the police jury districts. Three of the initial commissioners shall serve for two years, three for three years, and three for four years.
§132.1. Board, qualification of members; appointment; vacancies; removal of members or officers.

A. The Grant Parish Cemetery District shall be governed by a board of five commissioners, hereinafter referred to in this Chapter as the “board”, who shall be registered voters and residents of Grant Parish and who shall serve without compensation. The board shall be appointed by the governing authority of Grant Parish. Two of the initial commissioners so appointed shall serve for two years, two for four years, and one for five years.

B. The district, through its board of commissioners, is hereby granted and shall have and may exercise all powers necessary or convenient for carrying out its purposes, including but not limited to the following:

* * * *

§133.1. Board, qualification of members; appointment; vacancies; removal of members or officers.

A. The LaSalle Parish Cemetery District shall be governed by a board of five commissioners, hereinafter referred to in this Chapter as the “board”, who shall be registered voters and residents of LaSalle Parish and who shall serve without compensation. The board shall be appointed by the governing authority of LaSalle Parish. Two of the initial commissioners so appointed shall serve for two years, two for four years, and one for five years.

* * * *

§133.2. Corporate status; powers and duties

A. The district, through its board of commissioners, is hereby granted and shall have and may exercise all powers necessary or convenient for carrying out its purposes, including but not limited to the following:

* * * *

§141. St. Landry Parish Cemetery District; creation; boundaries; purpose

The governing authority of St. Landry Parish is hereby authorized to create the St. Landry Parish Cemetery District, hereinafter referred to in this Chapter as the “district”, the boundaries of which shall be coterminous with the boundaries of St. Landry Parish. The objective and purpose of the district created under this section in accordance with the provisions of this Chapter shall be the acquisition, establishment, operation, and maintenance of one or more public cemeteries within the district.

§141.1. Board; qualification of members; appointment; vacancies; removal of members or officers.

A. Every cemetery authority from time to time as its property is developed in accordance with the provisions of this Chapter shall have the right to use such areas, which were dedicated to cemetery purposes pursuant to this title.

B. The district, through its board of commissioners, is hereby granted and shall have and may exercise all powers necessary or convenient for carrying out its purposes, including but not limited to the following:

* * * *

§141.3. District as a political subdivision; election imposing taxes, maximum tax; authority.

A. The board shall have the power to levy and collect, within said the boundaries of a district, an ad valorem tax not exceeding one mill on the dollar of assessed valuation on all immovable property in the district, for a period not to exceed ten years, as authorized by R.S. 32:2740.1.

B. The imposition, collection, and enforcement of the tax and any procedural details necessary to be established to supplement the provisions of this Section and to make provisions applicable to the tax imposed hereunder in Subsection B of this Section shall be fixed by the resolution of the board. Thereafter, the board shall be accountable to the state governing the authorization of general obligation bonds and the majority of the qualified electors voting in such election shall have voted in favor of such additional tax and the funding thereof into bonds.

E. The tax shall be adopted by a commission only after the question of the imposition of such tax and the funding thereof into bonds under pursuant to the provisions of this Section shall have been submitted to the qualified electors within the boundaries of such district at an election to be called, conducted, canvassed, and promulgated by the governing authority of such district in accordance with the provisions of this Article or by a district court of the parish in which the property is situated in a proceeding brought by the cemetery authority for the protection of unmarked human burial sites has been entrusted to the Louisiana Division of Archaeology and the attorney general in an action to cause the cemetery authority to take reasonable steps to identify and preserve the burial sites.

§204. Specific powers; rule making and enforcement

A. A cemetery authority may make, adopt, amend, add to, revise, repeal, or modify, and enforce rules and regulations for the use, care, control, management, restriction, and protection of all or any part of its cemetery, including without limitation the following:

(1) It may restrict and limit the use of all property within its cemetery.

(2) It may regulate the uniformity, class, and kind of all markers, monuments, and other structures within the cemetery and its subdivisions.

(3) It may prohibit or regulate the installation of monuments, markers, effigies, shapes, and foundations within the cemetery.

(4) It may regulate or prevent the introduction or care of plants or shrubs that are alien to the soil or having an adverse effect on the cemetery.

(5) It may prevent interment in any part of the cemetery of human remains not entitled to interment and prevent the use of interment spaces for purposes violative of its restrictions or rules and regulations.

(6) It may regulate the conduct of persons and prevent improper assemblages in the cemetery.

(7) It may make and enforce rules and regulations for all other purposes deemed necessary by the cemetery authority for the proper conduct of the business of the cemetery, for the transfer of any interment space or the right of interment, and the protection and safeguarding of the premises, and the principles, plans, and ideals on which the cemetery is conducted.

§302. Surveys and maps

A. Any cemetery authority from time to time as its property is developed for cemetery purposes shall, in the case of land, survey and subdivide it into sections, blocks, plots, avenues, walks, or other subdivisions, and make a good and substantial map or plat showing the sections, plots, avenues, walks, or other subdivisions, with descriptive names or numbers. In the case of a cemetery, a cemetery open, and for a good and substantial map or plat on which shall be delineated the sections, halls, rooms, corridors, elevations, and other divisions, with descriptive names or numbers.

B. The preparation and use of any survey, map, or plat hereinafter provided by this Chapter are governed by Subsection B of this Section and to make provisions applicable to the tax imposed hereunder.

C. Copies of such surveys, maps, or plats shall be available for inspection by any interested party at the office of the cemetery authority.

§303. Maps and plats; amendment

Any part or subdivision of the property as shown in the survey, map, or plat referred to in this Section shall, by order of the directors of the cemetery authority, be resurveyed and altered in shape and size and an amended survey, map, or plat may be prepared so long as such change does not disturb the interred remains of any deceased person. Said The amended survey, map, or plat shall be available for inspection as hereinafter provided in R.S. 8:301(C).

§305. Rule against perpetuities, etc., inapplicable

The dedication of the avails or proceeds of said the tax and its provisions shall control the allocation and expenditure thereof.

F. Notice of a judicial proceeding shall be given to the Louisiana Division of Archaeology.

G. Notice of a judicial proceeding shall be given to the Louisiana Division of Archaeology.

H. Notice of a judicial proceeding shall be given to the Louisiana Division of Archaeology.

I. Notice of a judicial proceeding shall be given to the Louisiana Division of Archaeology.

J. Notice of a judicial proceeding shall be given to the Louisiana Division of Archaeology.

K. Notice of a judicial proceeding shall be given to the Louisiana Division of Archaeology.

L. Notice of a judicial proceeding shall be given to the Louisiana Division of Archaeology.

M. Notice of a judicial proceeding shall be given to the Louisiana Division of Archaeology.

N. Notice of a judicial proceeding shall be given to the Louisiana Division of Archaeology.

O. Notice of a judicial proceeding shall be given to the Louisiana Division of Archaeology.
§307. Notice of hearing

The notice of hearing by publication provided in R.S. 8:306 shall be given by publication once a week for at least three consecutive weeks in a newspaper of general circulation in the parish where the cemetery is located and the posting of copies of the notice in three conspicuous places on that portion of the property from which the dedication is to be removed. Said the notice shall:

(a) describe Describe the portion of the cemetery property sought to be removed from dedication;
(b) State State that all remains have been removed or that no interments have been made in the portion of the cemetery property sought to be removed from dedication;
(c) Specify designate the time and place of hearing.

§306. Sale of cemetery spaces; abandoned spaces; defined; sale of abandoned spaces

A. After completing the map or plat, a cemetery authority may sell and convey interment spaces, subject to such rules and regulations as may be adopted in effect or thereafter adopted by the cemetery authority, and subject to such other limitations, conditions, and restrictions as may be inserted included in the instrument of conveyance of such cemetery spaces.

C.(1) Interment space shall be deemed to have been abandoned when one of the following occurs:

(a) A cemetery authority shall have been unable after diligent efforts for twenty-five years to locate any of the owners or their successors or heirs of an interment space in the cemetery property sought to be removed from dedication, or
(b) In the event such interment space is no longer fit for human burial, there has been no interment in the preceding twenty-five years and the cemetery authority shall have been unable after diligent efforts for one year to locate any of the owners or their successors or heirs to provide care, maintenance, or repairs for an interment space after diligent efforts for one year.

A cemetery authority shall be deemed to have made diligent efforts to locate the owners or their successors or heirs of an interment space in a period of time if such authority:

(i) Has advertised a notice stating that such authority proposes to acquire such interment space pursuant to this Section, which notice shall be advertised:

(a) Once in the case of the twenty-five year twenty-five-year period, provided hereinafter:

(1) Once (a) One a year in each of the first twenty-four years of such period,

(2) Once (bb) Once a month during the last year of such twenty-five twenty-five-year period, and

(ii) In the case of the one-year one-year period, provided herein:

(a) Has posted a notice on the space to the same effect as that specified in each twenty-five year twenty-five-year period

(b) Has mailed a registered/certified registered or certified letter to the last known owners of said the interment space, which letter shall contain a notice of the proposed transfer or sale of the interment space specified in this Paragraph (a) of this Paragraph; provided, however, that the notice requirements of clause (3) of this sentence this Subparagraph shall not be applicable to the extent that the records of the cemetery authority acting pursuant to this Section do not contain the name and address of any owner of said the interment space, or

(b) If the cemetery authority is determined by a court of competent jurisdiction to have exercised diligent efforts to locate the owners; provided, however, that prior to the initiation of any such legal action the cemetery authority has conformed with the requirements of this paragraph and the period of monthly advertisements, postings, and mailings as provided hereinabove in Subparagraph (a) of this Paragraph and evidence of such notices has been exhibited to the court.

§311. Commission on sales prohibited

It shall be unlawful for a cemetery authority, directly or indirectly, to pay or offer to pay to any person, firm, or corporation not licensed under this Title pursuant to this Title, a commission or fee or rebate commission, bonus or other financial interest in connection with the sale of an interment space. This shall not apply to a person employed by the cemetery authority to make such sales.

§314. Record of ownership and transfers

A. The board or Louisiana Division of Archaeology Department of Culture, Recreation and Tourism, division of archaeology shall have the right to intervene in any action filed pursuant to Subsection B of this Section.

(b) Once a month during the last year of such twenty-five year twenty-five-year period. and

§316. Opening of roads, railroads through cemetery; consent required, exception

After dedication pursuant to this Title, and as long as the property remains dedicated to cemetery purposes, no railroad, street, road, alley, pipe line, pole line, or other public thoroughfare or utility shall be laid out, through, over, or across any part of it without the consent of the cemetery authority owning and operating it. If said the cemetery authority is not in existence or not operating, then the consent of not less than two-thirds of the owners of interment spaces shall be required.

§317. Certain cemetery spaces to be exempt from taxes

Property dedicated for cemetery purposes, including cemetery spaces and the land on which they stand, shall be exempt from all taxation to the fullest extent permitted by the Constitution of Louisiana and laws of this state.

§401. License to engage in business

No person shall engage in the business of a cemetery sales organization or a cemetery management organization except as authorized by this Title and without first obtaining a license from the board.

§402. Application for license

Any person wishing to establish and operate the business of a cemetery sales organization or a cemetery management organization must shall operate as a corporation as required by R.S. 8:201 and shall file with the board a written application for a license to operate. The application shall be on a form issued by the board which shall require, as a minimum, that the documents and information submitted to the board shall include:

§403. Application fee; annual fee

The application shall be accompanied by an initial filing fee of two hundred fifty dollars for each cemetery sales organization and each cemetery management organization. An annual fee of a like amount shall be paid. If ninety percent or more of the applicant is owned by an existing cemetery authority operating under pursuant to the provisions of this Title, the initial filing fee, as well as the annual fee, shall be one-half of the sums set out herein in this Section.

§404. Investigation by board

Upon receipt of an application, together with the filing fee, the board shall cause an investigation to be made, prior to approval of an applicant, to determine each of the following:

(1) The legal entity that is to conduct the business of applicant and if said the entity is a foreign corporation, whether or not it is qualified to do business in Louisiana.

(2) The identity of the principal owners, principal stockholders, and of all directors and officers, and the ability, experience, financial stability, and integrity of each of said the parties to conduct the business stated in the application.

§407. Sale or transfer of cemetery sales or cemetery management organization; application for new license; compliance required

Within ten days after the sale or transfer of ownership or control of a cemetery sales or management organization, the transferee organization must shall return its license to the board. The transferee, within ten days, must shall apply for a new license and meet all the requirements of this Chapter. Failure to file the application within the period of time provided herein, the transferee may operate the business until its application is acted upon by the board.

§408. Penalties

Any person, cemetery sales organization, or cemetery management organization violating the provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of not less than two hundred dollars or more than one thousand dollars or by imprisonment of not less than thirty days or more than one year, and both, and shall be subject to revocation of his or its license to operate.

§411. Definitions

As used in this Chapter, the following terms have the following meanings hereafter ascribed to them:

§412. Application for license; qualifications; fees

B.

(2) Nothing herein in this Section shall restrict a licensee from paying necessary expenses and maintenance costs to contractors.

§451. Corporate operation

It shall be unlawful to operate a perpetual or endowed care cemetery in this state except by means of a corporation organized under this Title in accordance with the laws of this state. This Section, however, shall not apply to any person, firm, or corporation which, prior to August 1, 1962, owned and operated a cemetery in which said the persons, firm, or corporation had sold or contracted to sell interment spaces with a provision for perpetual or endowed care, if said the person, firm, or corporation has complied with the provisions of R.S. 8:457.

§453. Cemeteries in existence on August 1, 1962 acts prohibited

No owner of a cemetery in existence on August 1, 1962, who previously to

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such date has not sold or contracted to sell any interment space in said the cemetery with a provision for perpetual or endowed care shall thereafter adhere to or take such action as shall enable that said the cemetery or any individual interment space therein is entitled to perpetual or endowed care unless the owner has established a trust fund for perpetual or endowed care as provided by this chapter.

§454.1. Administration of trust funds; maintenance: exemption from seizure
A. The principal of the trust fund shall remain permanently intact and only the income therefrom shall be expended. The income shall be used solely for the care of those portions of the cemetery in which interment spaces have been sold with a provision for perpetual or endowed care. It is the intent of this Section that the income of said the fund shall be used solely for the care of interment spaces sold with a provision for perpetual or endowed care and for the care of other portions of the cemetery immediately surrounding said the cemetery as necessary to preserve the beauty and dignity of the spaces sold. The fund or its income shall never be used for the development, improvement, or embellishment of unsold portions of the cemetery so as to relieve the cemetery authority of the ordinary cost incurred in preparing such property for sale.

§455. Annual report by cemeteries
All cemeteries subject to the provisions of this chapter shall file with the trustee, as defined herein in this chapter, a report setting forth the volume and the gross selling price of sales upon which a deposit with the trustee is required by this chapter.

§457. Application of Chapter
A. Any cemetery in existence on August 1, 1962, which, prior to such date, sold or contracted to sell interment spaces with a provision for perpetual or endowed care, qualifies for the exceptions set forth in this Chapter if the owner of said the cemetery filed in the office of the recorder of mortgages for the parish in which such cemetery is located an affidavit executed by said the owner, or its principal officer, setting forth all of the following:

1. That a care fund was in existence for said the cemetery, the principal of which was equal to a minimum of ten percent of the gross sales of interment spaces in said the cemetery since its inception or since January 1, 1961, whichever date is later.

2. The nature and character of the assets comprising such care fund.

3. The name of the financial institution or trustees or other entity which had custody and control of such fund.

B. A like affidavit shall be filed with the board at the end of each fiscal year thereafter for the operation of such cemetery.

C. No cemetery in existence on August 1, 1962, which prior to such date had sold or contracted to sell lots in said the cemetery with a provision for perpetual or endowed care, shall thereafter continue to operate as a perpetual or endowed care cemetery without having filed and without hereafter filing the affidavits required by this section.

§458. Prohibited acts; injunctions
A. No person or cemetery authority shall offer for sale or sell any interment space in any cemetery with a provision for perpetual or endowed care, or in any manner represent, advertise, or hold out to the public that said the cemetery with a provision for perpetual or endowed care shall thereafter become in danger of insolvency or has gone into bankruptcy or become financially irresponsible or transferred control of the cemetery, unless and until such person or authority has complied with the provisions of this chapter. The board may institute legal proceedings to enjoin any person or cemetery authority from violating the provisions of this section.

§459. Cemeteries exempt
The provisions of this chapter shall not apply to any family burial ground or religious, fraternal, municipal, state, or federal cemetery.

§459.1. Trust fund transfers
A. The provisions of R.S. 8:459 notwithstanding, whenever the ownership or control of a cemetery is transferred and by virtue of such transfer becomes a family burial ground or a religious, fraternal, municipal, state, or federal cemetery, the existing perpetual care fund trust of such transferred cemetery shall remain permanently intact and only the income therefrom shall be expended. The income shall be used solely for the upkeep and maintenance of said the cemetery.

B. The trustee of any such perpetual care trust fund shall be a federally insured financial institution or trust company located in Louisiana and authorized to exercise trust or fiduciary powers under in accordance with the laws of Louisiana or the United States.

§460. Penalties
Whoever violates any of the provisions of this chapter shall, upon conviction, be fined not more than one thousand dollars, or imprisoned for not more than six months, or both.

§461. Examination of endowment funds; expenses
A. The expense of the examination as provided herein in Subsection A.  The above shall be made by the board, and the expenses of such examination shall be paid from the general fund of the cemetery.

§465. Order requiring reinvestment in compliance with law; actions for preservation and protection
A. All funds held in trust for perpetual care purposes shall be administered by the board so that the income thereof shall be paid by the cemetery authority in an amount not to exceed a total of five hundred dollars, unless irregularities are found, in which case the cemetery authority shall pay the full cost of the examination. The examination shall be privately conducted in the principal office of the cemetery authority or trustee.

(2) An affidavit from the borrowee to that, to the best of said the borrower’s knowledge and belief, the subject loan is not in violation of these restrictions, shall suffice to establish for the trustee a conclusive presumption that such is the case.

§466. Order requiring reinvestment in compliance with law; actions for preservation and protection
A. All funds held in trust for perpetual care purposes shall be administered by the board so that the income thereof shall be paid by the cemetery authority in an amount not to exceed a total of five hundred dollars, unless irregularities are found, in which case the cemetery authority shall pay the full cost of the examination. The examination shall be privately conducted in the principal office of the cemetery authority or trustee.

B. Whenever the board finds, after notice and hearing, that any endowment or perpetual care funds have been invested in violation of this title; it shall, by written order mailed to the trustee of the policy and to the cemetery authority, require the reinvestment of the funds in conformity with this title within the period specified by it, which shall not be more than six months. Such period may be extended by the board in its discretion.

C. The board may bring actions for the preservation and protection of endowment or perpetual care funds in the district court of the parish in which the property is located. The court may order the cemetery authority or the trustee of such funds to transfer any property to or make any loan from or investment with the endowment or perpetual care funds in violation of Subsection A of this Section.

(2) Failed to reinvest endowment or perpetual care funds in accordance with a board order issued under pursuant to the authority of Subsection B of this Section; or,

(3) Invested endowment or perpetual care funds in violation of this title or Title; or,

(4) Taken action or failed to take action to preserve and protect the endowment or perpetual care funds, evidencing a lack of concern therefor;

(5) Become financially irresponsible or transferred control of the cemetery authority to any person who, or business entity which, is financially irresponsible;

(6) Become in danger of insolvency or has gone into bankruptcy or receivership; or,

(7) Taken any action in violation of this title or failed to take action required by this title or has failed to comply with lawful rules, regulations, and orders of the board.

§501. Application
A. Except as hereinafter provided in this Chapter, no person or legal entity, including a cemetery authority, shall, directly or indirectly, enter into a contract for the sale of personal property or services which may be used in a cemetery in connection with the disposing or commemorating of the memory of a deceased human being, if delivery of such personal property or performance of such services is to be made more than one hundred twenty
$502. Payments to trust; amounts required
A. (1) Any cemetery authority or other entity entering into a contract for the sale of such personal property as described in R.S. 8:501 of this Chapter, when the delivery of the personal property is made within the meaning of R.S. 8:502.1, is required to deposit within five days following the termination thereof, for each item of personal property contracted for, and for each contract, fifty percent of the price charged, less sales taxes, for each item of personal property for which deposit is required.

B. Within sixty days of the resignation of a trustee and transfer of the trust fund to the successor trustee, the resigning trustee shall file with the board a financial report of the merchandise trust fund, setting forth the principal thereof, the investments and payments made therein, and the income earned and disbursed. The board may require the trustee to make such additional financial reports as it deems reasonably advisable.

$502.2. Suppliers
No person, firm, or corporation shall be deemed a supplier for purposes of R.S. 8:502.1 unless it does all of the following:

1. Submits evidence insuring that all personal property purchased through a Louisiana cemetery authority or other entity and being stored by the supplier is insured for casualty, theft, or other loss normally assumed by a compensated depositary and/or bailie for hire.

2. The expense of the examination as provided herein shall not exceed two hundred fifty dollars per day for each examiner engaged in the examination, but when the examination requires more than two days, the cost shall be paid by the cemetery authority or other entity in an amount not to exceed a total of five hundred dollars, unless irregularities are found, in which case the cemetery authority or other entity shall pay the full cost of the examination.

3. In making such examination, the board shall:
   a. Have access to the books and records relating to the merchandise trust fund, their collection and investment, and individual contracts for the sale of personal property or services as described in this Chapter, said records to be made available in the principal office of the cemetery authority, other entity, or trustee located within the state of Louisiana.

4. A written statement from the successor trustee, qualified under this Title, for the sale of personal property or services herein contemplated in this Chapter which waives any of the provisions of this Chapter shall be void.

$506. Examination by board; expenses
A. The expense of the examination as provided herein to be made pursuant to this Section and shall not be liable to anyone for such reliance.

B. If, for any reason a cemetery authority or other entity that has entered into a contract for the sale of personal property or services and has made the deposit into the trust fund as herein required in this Section to be made cannot or does not provide the personal property or perform the services called for by the contract within a reasonable time after request in writing to do so, the purchaser or his heirs or assigns or duly authorized representative shall have the right to provide such personal property or services, and, having done so, shall be entitled to receive the deposit to the credit of that particular contract. Written instructions to the trustee by the cemetery authority or other entity directing the trustee to refund the amount of money deposited in the merchandise trust fund, the board shall require the cemetery authority, other entity or until the death of the person for whose benefit the contract was made. Upon delivery of the personal property or performance of the services, the cemetery authority or other entity shall certify such delivery or performance to the trustee and the amount of money plus income deposited in trust to the credit of that particular contract. Upon such certification, or in case of death prior to such certification, and upon submission of documentation as required by rules and regulations promulgated by the board, the amount of money on deposit to the credit of each particular contract, including principal and income earned therein, shall be forthwith paid to the cemetery authority or other entity. The trustee may rely upon all such certifications herein required to be made pursuant to this Section and shall not be liable to anyone for such reliance.

C. In making such examination, the board shall:
   a. Have access to the books and records relating to the merchandise trust fund, their collection and investment, and individual contracts for the sale of personal property or services as described in this Chapter, said records to be made available in the principal office of the cemetery authority, other entity, or trustee located within the state of Louisiana.

$506.1. Failure to make required deposits; action
A. If any report filed with, or examination made by, the board shows a cemetery authority or other entity failed to make required deposits as herein required, the board may be granted by

B. Any cemetery authority or other entity, as defined in this Chapter, failing to make the required deposits to the trust fund or otherwise violating the provisions of this Chapter shall be guilty of a misdemeanor, punishable by a fine of not less than two hundred dollars or more than one thousand dollars, or by imprisonment of not less than thirty days nor more than one year, or both, and each violation of this Chapter shall constitute a separate offense.

$601. Application of chapter
This chapter applies to all structures, including but not limited to mausoleums, tombs, columbariums, niches, lawn crypts, and underground crypts used, intended to be used, or converted or altered for use for the interment of the remains of two or more persons, whether erected under, above, or partially below the surface of the earth.

$604. Improper construction a nuisance; penalty
Every owner or builder of a structure erected or converted in violation of this Title shall be guilty of maintaining a public nuisance and, upon conviction, shall be punishable by a fine of not less than five hundred dollars nor more than five thousand dollars or by imprisonment for not less than one month nor more than six months, or both.

$605. Construction in compliance with existing laws
This chapter shall not apply as to any structure that is in existence on July 31, 1974, which at the time of construction was in compliance with the laws then existing, provided its continued use is not in violation of the laws for the protection of the public health.

§606. Application of the requirements; application form; application fee
A. B. A cemetery authority shall be required to commence construction pursuant to the plans filed with the board within forty-eight months after the date of the certificate of the cemetery authority or other entity, as defined in this Chapter, and upon receiving said the certification the trustee may rely thereon and shall not be liable to anyone for such reliance.

$505. Annual report by trustee; final accounting by trustee required
A. Every year after August 15, 1967, the annually a trustee, within ninety days after the close of the cemetery authority’s business year, shall file with the board a financial report of the merchandise trust fund, setting forth the principal thereof, the investments and payments made therein, and the income earned and disbursed. The board may require the trustee to make such additional financial reports as it deems reasonably advisable.

B. Within sixty days of the resignation of a trustee and transfer of the trust fund to the successor trustee, the resigning trustee shall file with the board a financial report of the merchandise trust fund, setting forth the principal thereof, the investments and payments made therein, and the income earned and disbursed from the date of the last report filed with the board. Upon failure to file such financial report within sixty days after the first sale, the trustee shall be deemed to have breached the terms of the contract and shall be liable to the purchaser for any damages sustained thereby.

C. In making such examination, the board shall:
   a. Have access to the books and records relating to the merchandise trust fund, their collection and investment, and individual contracts for the sale of personal property or services as described in this Chapter, said records to be made available in the principal office of the cemetery authority, other entity, or trustee located within the state of Louisiana.
§653. Opening graves; stealing body; receiving same

B. Whoever purchases or receives, except for interment or cremation, any such dead body or any part thereof, knowing that the same has been removed in violation of this section shall be punished by imprisonment for not more than three years or by a fine of not more than one thousand dollars, or both.

§663. Collection, analysis, and reburial of exposed human skeletal remains

A. This Section shall apply only to municipal cemeteries as defined in R.S. 8:1, and to cemeteries that do not currently hold a certificate of authority issued in accordance with this Title.

C. The words and phrases in this Section shall have the meanings given to them in Chapter 10-A of this Title unless the context clearly indicates otherwise.

D. (2) Upon a failure or refusal of the cemetery authority to comply with a demand made under in accordance to Paragraph (1) of this Subsection and with the express written permission of the cemetery authority, the attorney general or students and instructors of institutions of higher education from the disciplines of anthropology, archaeology, biology, and mortuary science may undertake the systematic collection of human skeletal remains and burial items that are exposed to the surface and are at risk of being looted from cemeteries within the state.

(4) The attorney general may collect the exposed human skeletal remains or may delegate that authority to a qualified party under pursuant to this Subsection.

E. The following procedures and protocols shall be followed in undertaking any collection program under as provided in this Section:

(1) Prior to any collection activity notification, proof of compliance with this Section shall be provided to the Louisiana Cemetery Board, the Louisiana Division of Archaeology, Department of Culture, Recreation and Tourism, division of archaeology, and the attorney general, in writing.

F. The following protocols shall be the responsibility of the cemetery authority:

(3) In the event that no cemetery authority is identifiable, such human skeletal remains shall be curated by the collecting entity in a manner that conforms to the Louisiana Division of Archaeology, Department of Culture, Recreation and Tourism, division of archaeology curation guidelines. Such human skeletal remains may be re-interred in an unused portion of the subject cemetery pursuant to an order of a court of competent jurisdiction.

G. There shall be no liability on the part of, and no action for damages against, any of the following:

(4) The Louisiana Cemetery Board, the Louisiana Division of Archaeology, Department of Culture, Recreation and Tourism, division of archaeology, and the attorney general, and their agents or employees, shall not be liable in damages under any law of the state or any political subdivision for their role in administering portions of this Section.

§673. Definitions

As used in this Chapter, unless the context clearly indicates otherwise, the following terms shall have the following meanings indicated unless the context clearly indicates otherwise.

§676. Powers and duties of the secretary

A. The secretary shall have the following powers and duties:

(6) To issue permits for the disinterment and/or for the or scientific study of human skeletal remains and burial artifacts found in unmarked burial sites. The secretary may adopt rules and regulations to provide for the issuance of emergency permits by the state archaeologist.

B. Civil damages, except for attorney fees, recovered by the secretary, subject to applicable provisions of law, shall be used by the secretary to implement and enforce this Chapter and to fund activities of the Department of Culture, Recreation and Tourism, division of archaeology, in regard to restoration and protection of burial sites, in accordance with regulations adopted by the secretary and other applicable laws. Attorney fees shall be paid to the Louisiana Department of Justice.

C. Provisional permits issued by the Department of Culture, Recreation and Tourism, division of archaeology, until rules and regulations governing permitting are adopted.

§680. Discovery of unmarked burial sites, human skeletal remains, and burial artifacts

A. Any person who has reason to believe he or she has discovered an unmarked burial site or received human skeletal remains from an unmarked burial site shall notify the law enforcement agency of the jurisdiction where the site or remains are located within twenty-four hours of discovery. Any person who has reason to believe he or she has discovered or received burial artifacts shall notify the secretary through the Department of Culture, Recreation and Tourism, division of archaeology, within seventy-two hours of the discovery. Failure to give notice as required is a misdemeanor punishable by a fine of not less than one hundred dollars nor more than one thousand dollars.

C. Each law enforcement agency that receives notice of an unmarked burial site or human skeletal remains shall immediately notify the coroner of the parish where the site or remains are found. The law enforcement agency shall also notify the secretary through the Department of Culture, Recreation and Tourism, division of archaeology, within two business days of any discovery unless circumstances indicate that the death or burial is less than fifty years old or that there is need for a criminal investigation or legal inquiry by the coroner.

§701. Application

This chapter applies to all undeveloped land of a cemetery authority that is used, intended to be used, or converted into use for the interment of human remains.

§702. Standards of construction

No undeveloped land shall be sold or otherwise disposed of for use for the interment of human remains unless the person, cemetery authority, or other entity that intends to sell or otherwise dispose of such land for such use has made reasonable and adequate provisions for the installation of the necessary roadways, walkways, drainage, embellishments, features, landscaping, and other facilities that will insure the completion of said the undeveloped land into the kind of cemetery that is being or will be represented for sale to the buying public.

§703. Compliance with ordinances and specifications

The development of said the undeveloped land shall comply with the laws, ordinances, building codes, and any and all other lawful requirements of the state and parish in which said the said land is located.

§704. Improper use a nuisance; penalty

Every landowner who sells or otherwise disposes of or causes or permits the sale or other disposition of undeveloped land for use for the interment of human remains in violation of this section shall be guilty of maintaining a public nuisance and, upon conviction, shall be punishable by fine of not less than five hundred dollars nor more than five thousand dollars or by imprisonment for not less than one month nor more than six months, or both.

§705. Construction in compliance with existing laws

The penalties of this title shall not apply as to any land that is being used for the interment of human remains if the continued use of such land is not in violation of the laws for the protection of public health.

§706. Commencement and completion requirements

B. A cemetery authority may refuse to give its consent to a sale, use, or transfer of, or may refuse to issue a deed or other evidence of title to a cemetery space or the right of interment, solely as if there is any indebtedness due on such right of interment or cemetery space.

E. Whenever a cemetery authority makes an interment on the authority of a person who presents the official title to the cemetery space in which the said interment is to be made, the right of the cemetery authority to make said the interment shall be conclusively presumed, but it shall have the right to refuse to make such interment if it receives a written protest from any person who in the sole judgment of an officer of the cemetery authority, has a reasonable basis for objecting.

F. In dealing with an owner, a cemetery authority may rely upon, for all purposes, the last address of said the owner that is on file in the office of the cemetery authority, and any notice forwarded to the owner of record at said the address shall be conclusively considered as sufficient and proper legal notification for any and all purposes. If an owner wishes to change his official address, it shall be his duty to notify the cemetery authority, in writing, and to notify the secretary of the change. Any change in the official address of the owner shall be promptly changed and, thereafter, the said the new address shall prevail for all purposes.

§801. Recognized owner of title

The person or persons or entity in whose names the official title to a cemetery space appears in the official records of a cemetery authority shall be treated as the owner of said the space by the cemetery authority.

§802. Transfer of ownership rights

B. A cemetery authority may refuse to give its consent to a sale, use, or transfer of, or may refuse to issue a deed or other evidence of title to a cemetery space or the right of interment, solely as if there is any indebtedness due on such right of interment or cemetery space.
§805. When right of interment or cemetery space is inalienable.  — Subject to the approval of the cemetery authority, any cemetery space in any cemetery may be conveyed by the owner or owners, by proper instrument in a form approved by the cemetery authority, or such conveyance may be so provided in the will and testament of the owner to the cemetery authority in perpetual trust for its preservation as a place of interment and shall be subject to the provisions of Paragraph (8) above.  In any case, the remains of specified persons, in which case the said space shall be forever preserved for the remains of the persons so specified and shall never be used for any other purpose.

§806. Rights of co-owners.  — When the owner of a cemetery space or right of interment is in the names of two or more persons, each shall be considered as having a vested right therein and no conveyance or other disposition of said space or right shall be recognized without the written concurrence of each said record owner, but each owner shall have the right of interment in any unoccupied portion of the cemetery space at the time of death.

§807. Co-owners; identification.  — An affidavit by any informed but disinterested person having knowledge of the facts setting forth the fact of the death of one co-owner and establishing the identity of the surviving co-owner named in the deed to any cemetery space or right of interment, when filed with the cemetery authority, shall constitute complete and sufficient authorization to the cemetery authority to permit the use of one unoccupied portion of said space in accordance with the directions of the surviving co-owner.

§808. Co-owners may designate representative.  — When there are two or more owners of a cemetery space or right of interment, they may designate one or more persons, firms or corporations, trustees, or other entities to represent them and, upon filing written notice of designation with the cemetery authority, the representatives so designated shall have the right to deal with such representative unless the cemetery authority receives written revocation of the designation executed by all of the co-owners or their heirs or legal representatives.

§809. Waiver of right of interment.  — Any surviving spouse, parent, child, or heir having a right of interment in an interment space may waive such right in favor of any other relative or spouse of a relative of the deceased record owner.  Upon such waiver, the remains of the person in whose favor the waiver is made may be interred in the interment space.

§813. Correction of errors.  — A cemetery authority shall have the right to correct any and all errors that may occur in or result from the operation of the cemetery, including without limitation those involving or in connection with the making of an interment, disinterment, or removal, or the description, transfer, granting the right of use, or conveyance of a cemetery space, and in this connection, the cemetery authority shall have the right to substitute, grant the right of use, or convey, in order to correct any such errors, other interment rights, approximately equal in value and location as far as feasible, as selected by said the authority; or, in the sole discretion of said the authority, the correction of an error may be accomplished by the refunding of the amount of the fee paid or the price of the space or any other monetary consideration that the cemetery authority may determine is necessary to remove and transfer the remains that are involved.

§901. Unlawful to use, lease or sell for drilling, mining, or prospecting; penalty.  — (A) It shall be unlawful to use, lease, or sell any tract of land which is platted, laid out, or dedicated for cemetery purposes and in which human bodies are interred, on any part of such tract, for the purpose of prospecting, drilling, or mining; provided that the prohibition of leasing contained in this subsection shall not apply to any oil, gas, or mineral lease that contains a stipulation forbidding drilling or mining operations upon that portion of the leased premises which is included within the cemetery.

(B) Whoever violates this section shall be fined not less than one hundred dollars but not more than five hundred dollars, or be imprisoned for not less than thirty days nor more than six months, or both, and each day during which drilling, mining, or prospecting is conducted or prosecuted shall be considered a separate offense.

§908. Maintenance of cemetery spaces more than fifty years old; sale of repaired abandoned cemetery spaces.  — A. Cemetery authorities may renovate and repair but not demolish, at their own cost and/or in conjunction with any private, state, or federal grant or funding, any cemetery space that are more than fifty years old and which have deteriorated, when the record owner or his spouse or heirs have neglected to do such renovation within one year after written notice mailed by registered or certified mail to the last known address of the last record owner on the records of the cemetery authority, the posting of notice on each of such cemetery spaces, and advertising in the official journal of the parish or municipality notifying the owner thereof that such renovation or repair may be made, unless the owner thereof is notified in writing by the office of the cemetery authority before the end of the one year period.  Upon failing to receive any objections, after due notice has been given, the cemetery authority may proceed with the repairs or renovations with impunity.

(B) Cemeteries or cemetery authorities may require the payment of all documented repair and renovation costs before any such renovated or repaired interment space may thereafter be used.

§903.1. Cemeteries; maintenance of vaults and wall vaults more than fifty years old; reclamation by authority.  — (A) Cemetery authorities of municipal, religious, and nonprofit cemeteries may renovate, repair, maintain and/or wall vaults and vaults in question, at their own cost and/or in conjunction with any private, state, or federal grant or fund, vaults and wall vaults over fifty years old, or vaults and wall vaults located in cemeteries more than one hundred years old, which have deteriorated or are in a ruinous state under the following conditions:

1. In the event that the cemetery authority has no evidence of ownership or interments in the vault and/or wall vault in question, it may immediately make the repairs, renovations, and maintenance and after same have been completed, publish as part of a general notice in the official journal of the parish or municipality a notice notifying all persons that if no one comes forward to the office of the cemetery authority with written evidence of ownership of the vault and/or wall vault in question within sixty days of the date of publication then the cemetery authority shall have the right to reclaim the ownership of the vault and/or wall vault in question and resell same.

2. In the event that there is evidence of an interment or interments in the vault and/or wall vault in question, and the cemetery authority has no evidence of ownership, the remains may be immediately removed and temporarily reinterred at another location, and the cemetery authority shall have the right to immediately make the necessary renovations, repairs, and maintenance, then the cemetery authority shall attempt to contact the owner by registered or certified mail at his last known address, and also publish as part of a general notice in the official journal of the parish or municipality in question a notice stating that in the event the owner or his heirs fail to come forward to the office of the cemetery authority within six months of the date of the notice and submit written proof of ownership, then the vault and/or wall vault in question may be reclaimed and resold by the cemetery authority.

3. In the event that records of the cemetery authority indicate that there is a record owner of the vault and/or wall vault in question, the remains, if any, may be immediately removed and temporarily reinterred at another location, and the cemetery authority shall have the right to immediately make the necessary renovations, repairs, and maintenance, then the cemetery authority shall make the necessary renovations, repairs, and maintenance, and on receipt of written evidence of ownership in the vault and/or wall vault in question, and in the event that anyone fails to do so within the time prescribed, then the vault and/or wall vault may be reclaimed by the cemetery authority and resold.

4. In addition to the notifications called for in Paragraphs (1), (2), and (3) above, the notification required of the cemetery authority under this section to prevent the citation of a common or general sign or notice in a conspicuous place in the cemetery informing the public of the above so that claimants may come forward in the manner prescribed herein in this Section to assert their rights.

5. In the event that no such claimants shall be filed, the cemetery authority may repair, renovate, and maintain the vault and/or wall vault if same are necessary for the preservation of the section of vaults and wall vaults in vault and/or wall vault in question and the cemetery authority is necessary to remove remains therefrom.  The cemetery authority shall have the right and power to set forth above, but the remaining vaults shall be kept separate until the herein prescribed time period has elapsed so that they can be identified.

6. After the renovations, repairs, and maintenance have been completed and the time period has expired and the cemetery authority has reclaimed the ownership of the vault and/or wall vault in question, then all of the remains removed in accordance with the provisions of this Paragraph, shall be interred in a common burial place, but the cemetery authority shall retain records, tablets, stones, and other information regarding which vaults and wall vaults same were removed from and the interments therein, and the names of the deceased persons in question, if they are available.

7. Under no circumstances shall any of the above in this Subsection be construed to prevent a person or persons to prevent a cemetery authority from immediately making of repairs, renovations, and maintenance on any vaults and wall vaults in the event that same is necessary for the protection of the health and welfare of the general public.

8. If a person comes forward to the cemetery authority within the time prescribed in Paragraphs (1) through (3) above of this Subsection with satisfactory written evidence of ownership or title to vault and/or wall vault in question, the cemetery authority may require that they pay per XX or pro rata share, to be reasonably determined by the cemetery authority, of all actual costs and expenses of repairs, renovations,
and maintenance before the said vault, or wall vault may thereafter be used by them and their title thereto confirmed. If there is some other objection or objection to re-use of the vault or wall vault in question, they must be still pay their pro rata share of all costs as set forth hereinafore in this Section to confirm their title to same, otherwise ownership or title may be claimed by the cemetery authority and the space resold. Under no circumstances shall the owner of the vault or wall vault in question be able to object to the repairs, renovations, and maintenance done or to be done if it is necessary for the preservation of the section of vaults, or wall vaults in question, or the protection of the health and welfare of the general public.

B. The provisions hereinafore in this Section shall be inapplicable with respect to any tomb, vault, or wall vault placed in perpetual care.

§904. Speculative sales and purchases prohibited; penalties
A. It is declared to be against the public policy of this state for any person, firm, corporation, association, or other legal entity, except a licensed cemetery authority, to sell or buy an interment space or spaces for the purpose of resale at a profit. B. Whoever violates this Section shall be fined no more than five hundred dollars or be imprisoned for not more than six months, or both, for each interment space so bought or sold.

§905. Upkeep of cemeteries; local ordinance authorized; penalty; definition of “shareholder”
C. As used in this Section, “shareholder” shall mean means any person who owns a controlling share or a majority of the stock of the cemetery corporation.

Approved by the Governor, June 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 575
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BY REPRESENTATIVE BOYD

To amend and reenact R.S. 22:1667(A), relative to catastrophe claims adjusters; to require training; to require registration of certain individuals; to require certification; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1667(A) is hereby amended and reenacted to read as follows:

§1667. Catastrophe or emergency claims adjuster registration
A. (1) Notwithstanding any other provision of law to the contrary, in the event of a catastrophe or an emergency, no adjuster's license shall be required for an individual who is employed or retained by an insurer and brought into this state for the purpose of investigating or making adjustment of losses resulting from the catastrophe or emergency. However, the commissioner shall establish procedures to register these individuals.

(2) The commissioner shall prepare and make available to individuals registered pursuant to this Section a handbook for adjusting in this state that includes information relevant to evaluating property damage arising out of an emergency or disaster. The handbook shall be similar or equivalent to one hour of continuing education for licensees.

(3) An adjuster registered pursuant to this Section shall certify that he has read and understands the most recent edition of the handbook, provided for in Paragraph (2) of this Subsection, and that the administration of the handbook has been completed by the commissioner within ten days of registration. An insurer employing or retaining an adjuster registered pursuant to this Section shall maintain in its records the certifications provided for in this Paragraph for all such adjusters and shall make the certifications available to the commissioner upon request for such individuals.

Section 2. This Act shall become effective January 1, 2023. Approved by the Governor, June 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 576
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BY REPRESENTATIVE DUSTIN MILLER

To amend and reenact R.S. 17:1944.1(B)(X)(1) and (C) and to enact R.S. 17:1944.1(B)(3)(c), relative to local special education advisory councils; to provide relative to membership on such councils; to provide relative to reports from such councils; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:1944.1(B)(X)(1) and (C) are hereby amended and reenacted and R.S. 17:1944.1(B)(3)(c) is hereby enacted to read as follows:

§1944.1. Local special education advisory councils; creation; purpose

B. (1) The number of council members and composition of the council shall be determined by the local public school superintendent or the administrative head of a charter school or other public school. However, the council’s membership shall be composed as follows:

(a) Fifty percent of the membership shall be parents or legal guardians of students with an exceptionality, other than gifted and talented, who are enrolled in a school under the jurisdiction of or who are receiving special education services from the public school governing authority, none of whom shall be employees of the public school governing authority. One high school student with an exceptionality, other than gifted and talented, and one person who represents an entity that serves students with disabilities or families of students with disabilities and who is not an employee of the school governing authority may be counted to meet the requirement of this Subparagraph.

(b) Twenty-five percent of the membership shall be teachers, principals, or paraprofessionals.

(c) Twenty-five percent of the membership shall be other special education stakeholders who are not represented by council members selected under the provisions of Subparagraphs (a) and (c) of this Paragraph.

(2) The commissioner shall prepare and make available to individuals registered pursuant to this Section for all such adjusters and shall require certifications provided for in this Paragraph for all such adjusters and shall require that all such reports shall be submitted to the state Department of Education and published on its website.

Approved by the Governor, June 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 577
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BY REPRESENTATIVE BOYD

To enact Part II-E of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2120.1 through 2120.24, relative to the licensure and regulation of nurse staffing agencies by the Louisiana Department of Health; to provide for definitions; to provide for the licensure and registration of nurse staffing agencies; to provide for the protection of public rights to health care; to provide for licensed and certified personnel in healthcare facilities; to provide for applicability provisions for providers who choose to provide for regulations and grounds for issuance, renewal, and denial of a license; to establish standards for the operation of nurse staffing agencies; to provide for penalty provisions; to provide for rulemaking requirements; to provide for fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part II-E of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2120.11 through 2120.24, is hereby enacted to read as follows:

R. Kyle Ardoin
Secretary of State

LICENSING OF NURSE STAFFING AGENCIES

§2120.11. Short title
This Part shall be known and may be cited as the “Nurse Staffing Agency Licensing Law.”

§2120.12. Purpose
The purpose of this Part is to authorize the Louisiana Department of Health to promulgate and publish rules and regulations to provide for the licensure of nurse staffing agencies.

§2120.13. Definitions
For the purposes of this Part, the following terms have the meanings ascribed to them in this Section:

(1) “Certified nurse aide” means an individual who has completed a Nurse Aide Training and Competency Evaluation Program approved by the state as meeting the requirements of R.S. 40:2120.1 and 483:154 or has been determined competent as provided in R.S. 483:154(a)(2) and (b) and is listed as certified and in good standing on the state’s Certified Nurse Aide Registry.

(2) “Department” means the Louisiana Department of Health or any office or agency thereof designated by the secretary of the department to administer the provisions of this Part.

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in struck through type are deletions from existing law; words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
The department shall license nurse staffing agencies in accordance with this Part. No person, partnership, corporation, unincorporated association, or other legal entity may establish, operate, maintain, or advertise as a nurse staffing agency in this state unless the person, partnership, corporation, unincorporated association, or other legal entity is licensed by the department in accordance with this Part.

1220. Application for licensure; fees

A. An application to operate a nurse staffing agency shall be made to the department on forms provided by the department. A separate license shall be obtained for each location from which a nurse staffing agency is operated unless the nurse staffing agency is owned and managed by the same entity, person, or persons.

B. The application shall contain all of the following information:
1. The name and address of the person, partnership, corporation, unincorporated association, or other legal entity that is the applicant.
2. If the applicant is a corporation, a copy of its articles of incorporation, a copy of its current bylaws, and the names and addresses of its officers, directors, and shareholders owning more than five percent of the corporation's stock.
3. The names and addresses of the person or persons under whose management or supervision the nurse staffing agency will be operated.
4. A statement detailing the experience and qualifications of the applicant to operate a nurse staffing agency.
5. Evidence of professional liability insurance in an amount sufficient to provide coverage in accordance with the total amount recoverable for all malpractice claims as indicated in R.S. 40:1231.2.
6. Any other relevant information the department determines is necessary to properly evaluate the applicant and application as required by the department.

C. Any person, partnership, corporation, unincorporated association, or other legal entity operating or planning to operate a nurse staffing agency shall be assessed a nonrefundable fee of twelve hundred dollars, payable to the department, at the time an initial licensing application is made to the department. A separate license shall be issued for each location from which the nurse staffing agency is operated unless the nurse staffing agency is owned and managed by the same entity, person, or persons.

§2120.14. Licensure required

§2120.15. Application for licensure; fees

§2120.16. Issuance of a license

§2120.17. Renewal of a license

§2120.18. Grounds for denial of a license

$2120.18. Grounds for denial of a license

An application for a license may be denied for any of the following reasons:
(1) Failure to comply with the minimum standards set forth by this Part as well as any licensing regulations promulgated by the department.
(2) Conviction of the applicant of a felony offense.
(3) Insufficient financial or other resources to operate the nurse staffing agency in accordance with the requirements of this Part and the minimum standards for governmental agencies outlined in this Part.
(4) Failure to establish appropriate personnel policies and procedures for selecting nurses and certified nurse aides for employment, assignment, or referral.
(5) Failure to perform criminal history checks as required by R.S. 40:1203.1 et seq.
(6) Failure to report hours worked by certified nurse aides to the Certified Nurse Aide Registry.
(7) The department may at any time, upon receiving a complaint from any person, partnership, corporation, unincorporated association, or other legal entity that employs, assigns, or refers nurses or certified nurse aides to any healthcare provider setting, interview, make an on-site or off-site inspection, or request any medical, nursing, or other information from the healthcare provider setting.

§2120.19. Suspension, revocation, or refusal to issue or renew a license

§2120.20. Minimum standards; prohibited actions

A. The department, by rule, shall establish minimum standards for the operation of nurse staffing agencies. Those standards shall include but not be limited to the following:
(1) The maintenance of written policies and procedures.
(2) The development of personnel policies, which include a personal interview, a reference check, and an annual evaluation of each employee or contracted staff.
(3) Licensure application and renewal application procedures and requirements.
(4) Survey and complaint investigations.
(5) Provisions for denial, revocation, suspension and nonrenewal of licenses, and appeals thereof.
(6) Provisions for any laws or regulations that will ensure proper care and treatment of patients, clients, and persons receiving services.

B. Each nurse staffing agency shall have a nurse serving as a manager or supervisor of all nurses and certified nurse aides.

C. Each nurse staffing agency shall ensure that its employees or contracted staff meet the minimum licensing, training, and orientation standards for which those employees or contracted staff are licensed or certified.

D. A nurse staffing agency shall not employ, assign, or refer for use in a healthcare facility in this state, a nurse or certified nurse aide unless the nurse or certified nurse aide is licensed or certified in accordance with the applicable provisions of state and federal laws or regulations. Each certified nurse aide shall comply with all pertinent regulations of the department relating to the health and other qualifications of personnel employed in healthcare facilities.

E. The department may adopt rules to monitor the usage of nurse staffing agency services to determine their impact.

F. Nurse staffing agencies are prohibited from requiring, as a condition of employment, assignment, or referral, that their employees or contracted staff recruit new employees for the nurse staffing agency from among the permanent employees of the healthcare facility to which the nurse staffing agency employees or contracted staff have been assigned or referred.

G. The healthcare facility is prohibited from requiring, as a condition of employment, assignment, or referral, that the nurse staffing agency employees or contracted staff have been assigned or referred.

H. Nurse staffing agencies are prohibited from offering or providing financial incentives to their employees or contracted staff for the purpose of recruiting or rehiring nurses or certified nurse aides for employment, assignment, or referral.

I. Nurse staffing agencies are prohibited from requiring a nurse staffing agency to be on a list or approved list of nurse staffing agencies approved by the healthcare facility.

J. Nurse staffing agencies are prohibited from requiring, as a condition of employment, assignment, or referral, that their employees or contracted staff be on a list or approved list of nurse staffing agencies approved by the healthcare facility.

K. Nurse staffing agencies are prohibited from requiring, as a condition of employment, assignment, or referral, that their employees or contracted staff be on a list or approved list of nurse staffing agencies approved by the healthcare facility.

L. Nurse staffing agencies are prohibited from requiring, as a condition of employment, assignment, or referral, that their employees or contracted staff be on a list or approved list of nurse staffing agencies approved by the healthcare facility.

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EE. Nurse staffing agencies are prohibited from requiring, as a condition of employment, assignment, or referral, that their employees or contracted staff be on a list or approved list of nurse staffing agencies approved by the healthcare facility.

FF. Nurse staffing agencies are prohibited from requiring, as a condition of employment, assignment, or referral, that their employees or contracted staff be on a list or approved list of nurse staffing agencies approved by the healthcare facility.

GG. Nurse staffing agencies are prohibited from requiring, as a condition of employment, assignment, or referral, that their employees or contracted staff be on a list or approved list of nurse staffing agencies approved by the healthcare facility.
(a) An attestation from the requesting licensed conveyance device mechanic firm certifying that the person who seeks temporary licensure has an acceptable combination of documented experience and education to perform conveyance device mechanic activities or an imminent increase in conveyance device mechanic activities.

(b) An attestation from the requesting licensed conveyance device mechanic firm certifying that the person who seeks temporary licensure has an acceptable combination of documented experience and education to perform conveyance device mechanic activities or an imminent increase in conveyance device mechanic activities.

(c) An attestation from the requesting licensed conveyance device mechanic firm certifying that the person who seeks temporary licensure has an acceptable combination of documented experience and education to perform conveyance device mechanic activities or an imminent increase in conveyance device mechanic activities.

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(y) An attestation from the requesting licensed conveyance device mechanic firm certifying that the person who seeks temporary licensure has an acceptable combination of documented experience and education to perform conveyance device mechanic activities or an imminent increase in conveyance device mechanic activities.

(z) An attestation from the requesting licensed conveyance device mechanic firm certifying that the person who seeks temporary licensure has an acceptable combination of documented experience and education to perform conveyance device mechanic activities or an imminent increase in conveyance device mechanic activities.
in violation of the user policy or user agreement and for which the licensee
seizes the transaction funds, unless such notice is prohibited by law. Any
funds seized by the money transmitter prior to providing such notice, unless
such notice is prohibited by law, and found to be from a lawful and valid
transaction under federal and state law shall be processed by the licensee in
accordance with Subsection A of this Section.  
D. The enforcement of any choice-of-law provision in a money transmitter
licensee’s user policy or user agreement that would result in a contradiction
of the public policy of this state as expressed by Subsection C of this Section
shall be null and void to the extent of such contradiction.  
E. A money transmitter licensee that seizes or holds funds pursuant to a user
policy or user agreement provision that is subject to nullification as
provided by this Section shall return to the consumer any funds held or seized
as a result of such violation, including any financial penalty or stipulated
damages assessed, and such money transmitter licensee may cancel the
service contract.  
F. The commissioner of the Office of Financial Institutions shall have
the authority to enjoin a violation of this Section, and any such violation
shall be considered an unfair trade practice and shall subject violators to
the provisions of R.S. 51:1401 et seq. Entities covered by this Section shall
be subject to the enforcement powers of the commissioner of the Office of
Financial Institutions as provided in R.S. 6:121.1. For purposes of this Section,
the provisions of R.S. 51:1406 shall not apply to a money transmitter licensee.

3. Section 6.  This Act shall become effective January 1, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 581

HOUSE BILL NO. 1058
(Substitute for House Bill No. 387 by Representative Hollis)
BY REPRESENTATIVE HOLLIS
AN ACT
To amend and reenact R.S. 9:3198(A)(x)(a) and (3), relative to the sale of
immovable property; to provide for property disclosure requirements
regarding homeowners’ associations; to provide for property disclosures
regarding restrictive covenants and building restrictions; and to provide
for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1.  R.S. 9:3198(A)(x)(a) and (3) are hereby amended and reenacted
as follows:

§3198.  Duties of the seller; delivery of property disclosure document;
termination of real estate contract; information contained in document and
inaccuracies; required disclosure of information relative to homeowners’
associations and restrictive covenants and building restrictions; liability of seller

A.  * * *  

(2)(a) Included with the property disclosure documents required by this
Section shall be a statement of notification to the purchaser as to whether
or not he is obligated to be a member of a homeowners’ association as
a homeowner in the community in which he is purchasing property and
whether the residential property he is purchasing is subject to a common
regime of restrictive covenants or building restrictions, or both.  * * *  

(3) The statement shall inform the purchaser that the information
included in the disclosure statement relative to any homeowners’
association is summary in nature and that the homeowners’ association
and the covenants and association governing documents, restrictive covenants and building restrictions are a
matter of public record. The statement shall further inform the purchaser
how such documents can be obtained. The statement shall also include
notice to the purchaser that homeowners’ association governing documents may be requested from the seller and how to obtain documents
regarding any restrictive covenants and building restrictions governing the
property to be purchased.  * * *  

Section 2.  This Act shall become effective January 1, 2023.
Approved by the Governor, June 17, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 582

HOUSE BILL NO. 1060
(Subtitle for House Bill No. 338 by Representative Coussan)
BY REPRESENTATIVE COUSSAN
AN ACT
To amend and reenact R.S. 56:302.9(A)(1) and (3) and to enact R.S. 56:302.9(A)
(4), relative to charter boat fishing licenses; to remove state requirement for
a valid United States Coast Guard captain’s license for freshwater charter
boat fishing guides; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1.  R.S. 56:302.9(A)(1) and (3) are hereby amended and reenacted and
R.S. 56:302.9(A)(4) is hereby enacted to read as follows:

§302.9  Charter boat fishing guide license; nonresident fee  
A.  * * *  

(1)(a) No person shall act as or represent himself to be a saltwater charter boat fishing guide unless that person possesses a valid state charter boat
fishing guide license.  
(b) No person shall act as or represent himself to be a freshwater charter boat
fishing guide unless that person possesses a valid state charter boat fishing
guide license, proof of liability insurance, and a valid state recreational fishing
license that grants fishing privileges appropriate for his charter activity.  
In addition, any person acting as a saltwater charter boat fishing guide who is
in charge of the operation of a vessel shall have his required licenses and proof of liability insurance on his person while on the water.  It shall not be
a violation of this Section for a person to represent himself as a charter boat fishing guide if that person held a valid license during the previous thirty
days but has not renewed the license.  

(2) The provisions of this Section shall not apply to any federally insured
financial institution, its subsidiaries, and affiliates.  

(3) The nonresident charter boat fishing guide license shall be available
only from the Baton Rouge office of the Department of Wildlife and Fisheries.
Such licenses shall be issued on a consignment basis, and no agent fees shall
apply. A nonresident saltwater charter boat fishing guide license shall be
made available only to those persons who possess a valid captain’s license issued by the United States Coast Guard.

(4) For the purposes of this Subsection, references to saltwater and
freshwater shall be to the historic saltwater and freshwater areas described in
R.S. 56:322(A) and (B).  * * *  

Approved by the Governor, June 17, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 583

HOUSE BILL NO. 1062
(Subtitle for House Bill No. 597 Representative Freeman)
BY REPRESENTATIVES FREEMAN, BEAULLIEU, COUSSAN,
DU PLESSIS, EDMONSON, EDMONSON, FRIEDMAN, GLOVER, HARRIS,
HORTON, JEFFERSON, JENKINS, TRAVIS JOHNSON, LAFLEUR,
LARVADAIN, LYONS, GREGORY MILLER, NEWELL, CHARLES OWEN,
PIERRE, SCHAMERHORN, AND SEABAUGH
AN ACT
To amend and reenact R.S. 37:43 and to enact R.S. 49:953(C)(3) and 963(F) and
(G), relative to occupational licensing; to allow an interested person to
approve or disapprove with suggested amendments, or allow an
interested person to provide written notification to the holder of a license issued pursuant to
this Subparagraph that the holder may be subject to other requirements of law,
including holding a valid captain’s license issued by the United States Coast Guard.

* * *  

(3) The nonresident charter boat fishing guide license shall be available
from the Baton Rouge office of the Department of Wildlife and Fisheries.
Such licenses shall be issued on a consignment basis, and no agent fees shall
apply. A nonresident saltwater charter boat fishing guide license shall be
made available only to those persons who possess a valid captain’s license issued by the United States Coast Guard.

(4) For the purposes of this Subsection, references to saltwater and
freshwater shall be to the historic saltwater and freshwater areas described in
R.S. 56:322(A) and (B).  * * *  

Approved by the Governor, June 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

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regulation to ensure compliance with state policy.

(3) “Commission” means the Occupational Licensing Review Commission as provided for in R.S. 37:45.

(4) “Fiduciary” has the same meaning as that term is defined in R.S. 9:3801.

(5) “Least restrictive regulation” means, from least to most restrictive, all of the following:

(a) Market competition.
(b) Third-party or consumer-created ratings and reviews.
(c) Specific private civil cause of action to remedy consumer harm as provided in the Unfair Trade Practices and Consumer Protection Law, R.S. 51:1401 et seq.
(d) Regulation of the process of providing the specific goods or services to consumers.
(e) Inspection.
(f) Bonding or insurance.
(g) Registration.
(h) Occupational license.

(6) “Occupational license” means a nontransferable authorization granted by an occupational licensing board for an individual or entity meeting certain qualifications or personal qualifications, as that term is defined in Paragraph (1) of this Section, in order to perform the occupation for compensation.

(7) “Occupational licensing board” means any state executive branch board, commission, department, or other agency that is all of the following:

(a) Regulates the entry of persons into, or regulating the conduct of persons within, a particular profession or occupation.
(b) Authorized to issue and revoke occupational licenses or registrations.
(c) Controlled by active market participants.

(8) “Occupational regulation” means a rule, regulation, restraint, practice, or policy allowing an individual to use an occupational title or work in a lawful occupation, including but not limited to registrations and occupational licenses in order to fulfill a legitimate fiduciary, public health, safety, or welfare objective. Occupational regulation excludes any license, permit, or regulation established by a parish or municipality.

(9) “Qualifications” means the criteria related to an individual’s personal background and characteristics, including completion of an approved educational program, satisfactory performance on an examination or other assessment, work experience, other evidence of attainment of requisite skills or knowledge, moral standing, criminal history, and completion of continuing education.

(10) “Registration” means a requirement to give notice to the state that may include the individual’s or entity’s name and address, the individual’s or entity’s agent for service of process, the location of the activity to be performed, and a description of the service or business or entity provides.

(11) “State policy” means the policy described in R.S. 37:44.

Section 2. R.S. 49:953(C)(3) and 963(F) and (G) are hereby enacted to read as follows:

§953. Procedure for adoption of rules; agency rule review

C. * * *

§963. Judicial review of validity or applicability of rules

* * *

E. With respect to the challenge of an occupational regulation, the plaintiff shall prevail if the court finds by a preponderance of evidence that the challenged occupational regulation on its face or in its effect burdens entry into a profession, trade, or occupation and that an agency has failed to prove by a preponderance of evidence that the challenged occupational regulation is demonstrated to be necessary and narrowly tailored to fulfill legitimate fiduciary, public health, safety, or welfare objectives. Upon a finding for the plaintiff, the court shall grant the plaintiff the relief that the plaintiff has requested and shall amend or invalidate the challenged occupational regulation and shall award reasonable attorney fees and costs to the plaintiff, except in the case of a challenged occupational regulation promuligated by an occupational licensing board that participates in the Department of Justice Occupational Licensing Review Program pursuant to


G. The provisions of this Chapter shall not apply to administrative rules promulgated pursuant to the Human Life Protection Act, R.S. 40:1061 et seq.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 584

HOUSE BILL NO. 1073
( Substitute for House Bill No. 801 by Representative GOUDEAU )

BY REPRESENTATIVES GOUDEAU, BACALA, BOURRIQUE, BUTLER, COUSSAN, DESHOTEL, DEVILLIER, ECHOLS, EDMONDS, FIRMENT, GIBBON, GOLENO, GORDON, GROUPE, GREEN, HARRIS, HORTON, HUVAL, MIKE, JOHNSON, LACOMBE, MCKNIGHT, MAHANE, NEWELL, ORGERON, PIERRE, ROMERO, STAGNI, STEFANSKI, WHITE, AND ZERINGUE

AN ACT

To enact Part II-B of Chapter 21 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1891 through 1896, relative to scrap metal recyclers; to provide for the sale and purchase of catalytic converters; to provide definitions; to provide for fees; to provide for licensing requirements; to provide for record keeping; to provide for exceptions; to provide for fines and penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part II-B of Chapter 21 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:1891 through 1896, is hereby enacted to read as follows:

PART II-B. CATALYTIC CONVERTER PURCHASERS

§1891. Short title

This Part shall be known and may be cited as the “Louisiana Catalytic Converter Sales Law”.

§1892. Definitions

For purposes of this Part, the following words have the following meanings:

(1) “Catalytic converter” means an exhaust emission control device that reduces exhaust and pollution from internal combustion engines.

(2) “Catalytic converter purchaser” is a person licensed by the commission to buy detached catalytic converters pursuant to the provisions of this Part.

(3) “Commission” means the Louisiana Used Motor Vehicle Commission.

(4) “Person” includes any corporation, limited liability company, partnership, or two or more persons having a joint or common interest.

§1893. License required; application

A. No person shall do business as a catalytic converter purchaser in this state without having first obtained a license from the commission.

B. Any person desiring a license as a catalytic converter purchaser shall make an application in writing, specifying the address of the building where the business is to be carried on. A license issued pursuant to this Chapter shall be valid for two years.

C. It shall be unlawful for any person, firm, association, corporation, limited liability company, or trust to engage in the business of purchasing used catalytic converters in this state without first obtaining a license as required by this Section.

§1894. Any person, firm, association, corporation, limited liability company, or trust desiring a license as a catalytic converter purchaser shall apply for a license by submitting a petition to the occupational licensing board that issued the license.

§1895. The provisions of this Chapter shall not apply to administrative rules promulgated pursuant to the Human Life Protection Act, R.S. 40:1061 et seq.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State
a license which shall be paid to the commission.
(c) Any licensee having a previous license shall be presumed to be a renewal and valid.
(d) Any licensee changing its name, address, or ownership shall notify the commission within ten days of the change or be in violation of this Section.
(e) Any licensee ceasing to maintain its business shall surrender its license to the commission within ten days and any failure to do so shall constitute a violation.
D. The commission shall specify the location of the place of business on each license issued. If the business location is changed, the commission shall be notified immediately of the change and the commission may endorse the change of location on the license without charge. The license shall be posted in a conspicuous place in each place of business.
E. The commission shall promulgate rules to implement the provisions of this Section.
§1894. Exceptions
The provisions of this Part shall not apply to either of the following:
(1) A dealer licensed by the Louisiana Motor Vehicle Commission.
(2) A person possessing not more than one detached catalytic converter if there is documentation to indicate how the detached catalytic converter was acquired.
§1895. Requirements of purchaser and seller; record keeping
A. Except as otherwise provided for in this Section, it is unlawful for any person to possess, obtain or otherwise acquire, transport, or sell more than one used, detached catalytic converter or any nonferrous part of a catalytic converter without providing all of the following documentation to law enforcement upon request:
(1) The name and address of the residence or place of business of the person required to either keep the register and file reports or electronically maintain the data and generate reports as required.
(2) The date and place of each purchase.
(3) The name and address of the person or persons from whom the material was purchased, including the distinctive number of each person’s Louisiana driver’s license, automobile identification, or identification issued by a governmental agency or the United States Postal Service. If the person cannot produce any form of identification as provided for in this Paragraph at the time of purchase, the purchaser shall sign a verification of the claims made.
(4) The motor vehicle license number of the vehicle or conveyance on which such material was delivered.
(5) A full description and photograph of all such material purchased.
(6) A picture of the person from whom the material was purchased.
B. All information obtained pursuant to Subsection A of this Section shall be kept for a period of three years and shall be made available for inspection by any peace officer, law enforcement official, or commission official at any time during the three-year period.
C. Any person who purchases a used detached catalytic converter shall obtain a signed statement from the seller prior to the purchase attesting that the catalytic converter has been paid for or is owned by the seller. A failure of the purchaser to obtain a statement from the seller shall be prima facie evidence of the fraudulent intent and guilty knowledge on the part of the purchaser within the meaning of this Part and shall be sufficient to warrant a conviction. A purchaser who obtains the required statement from the seller shall be exonerated from any fraudulent, willful, or criminal knowledge within the meaning of this Chapter.
D. It is unlawful to provide any false, fraudulent, altered or counterfeit information or documentation as required by this Section.
§1896. Failure to comply; penalty
A. Anyone acting as an unlicensed catalytic converter purchaser in violation of the provisions of this Part shall be fined not less than five hundred dollars and be imprisoned not less than thirty days nor more than sixty days per violation as provided for in Subsection D of this Section.
B. For a second offense, the violator shall be fined not more than two thousand dollars and be imprisoned with or without hard labor for not more than two years per violation as provided for in Subsection D of this Section.
C. For a third or subsequent offense, the violator shall be fined not more than ten thousand dollars and be imprisoned with or without hard labor for not more than two years per violation as provided for in Subsection D of this Section.
D. Each unlawfully obtained, possessed, or transported used, detached catalytic converter is a separate violation that subjects the individual or entity to a separate charge. Upon conviction, the court may order the individual or entity to pay restitution for the value of the repair and replacement of the catalytic converter or be held liable as otherwise provided by law.
Approved by the Governor, June 17, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 585

HOUSE BILL NO. 1078
(Subtitle for House Bill No. 1049 by Representative Seabaugh)
BY REPRESENTATIVES SEABAUGH, CREWS, DESHOTEL, FIRMENT, FRIEMAN, GAROFALO, HARRIS, TRAVIS JOHNSON, MCCORMICK, MCFARLAND, CHARLES OWEN, ROMERO, SCHAMERHORN, THOMPSON, AND WHITE AND SENATOR ROBERT MILLS

R. Kyle Ardoin
Secretary of State

ACT NO. 586
To enact Part IV-A of Chapter 28 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 4351.1 through 4351.16, relative to forestry and agriculture, and to authorize the Louisiana Timber and Agriculture Transportation Group Self-Insurance Fund; to provide with respect to group self-insurance funds; to provide for requirements; to provide for definitions; to provide with respect to the qualifications for membership; to provide for regulatory authority; to provide for excess or reinsurance; to provide for the management of assets and investments; to provide for liabilities and the payment of claims; to provide for audits, examinations, and investigations; to provide for licensed insurance producers; to provide for insolventcies; to provide for civil actions for enforcement; to provide for penalties for noncompliance; to provide for due process rights; to provide for dissolution; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. Part IV-A of Chapter 28 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 4351.1 through 4351.16, is hereby enacted to read as follows:

PART IV-A  LOUISIANA TIMBER AND AGRICULTURE TRANSPORTATION GROUP SELF-INSURANCE FUNDS

§4351.1 Definitions

Wherever used in this Part, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall have the following meanings:

(1) “Bona fide trade or professional association” means an active trade or professional association that is chartered and domiciled in Louisiana, or a successor organization thereof, that meets all of the following requirements:
   (a) Promotes Louisiana timber or agriculture production.
   (b) Provides industry support and services to its membership.
   (c) The association has been established for purposes other than the sponsorship, operation, or management of a fund, or to provide a related employee safety program or other activity necessary to the operation of the fund.
   (d) Has been in existence and conducted regular meetings for a period of not less than five years.
   (e) The association meets the requirements of the Department of Insurance.

(2) “Fund” means the self-insurance fund established pursuant to this Part to provide automobile coverage for timber transportation vehicles, agriculture transportation vehicles, or a combination of both types of vehicles and shall be known as the Louisiana Agriculture Transportation Group Self-Insured Fund.

(3) “Hazardous financial condition” means a condition in which, based upon its present or reasonably anticipated financial condition, the fund, although not yet financially impaired or insolvent, is unlikely to be able to continue to meet all of the financial requirements of this Part.

(4) “Insolvency” means the condition existing when the fund’s liabilities are greater than the fund’s assets as determined in accordance with generally accepted accounting principles as delineated in the fund’s financial statement audited by an independent certified public accountant and calculated before a member distribution is payable or before a dividend is declared.

(5) “Net worth” means the total assets of the fund minus the fund’s total liabilities.

(6) “Principal” means a person or persons who own a majority interest or the majority of the stock in a corporation, partnership, or limited liability company that is established for the purpose of operating a timber or agriculture transportation vehicle.

(7) “Timber or agriculture transportation vehicle” means a vehicle or automobile used to collect and transport timber or agriculture products, or used in the course and scope of a timber or agriculture business, or used by an authorized public agency.

(8) “Timber or agriculture transportation vehicle coverage” means automobile coverage for a timber or agriculture transportation vehicle that includes any of the following:
   (a) Liability payment for bodily injury caused by the operator of a timber or agriculture transportation vehicle.
   (b) Collision coverage to provide payment for repairs or replacement of a timber or agriculture transportation vehicle.
   (c) Comprehensive coverage to provide payment to repair or replace the timber or agriculture transportation vehicle if it is damaged by some means other than a collision.
   (d) Uninsured motorist coverage as defined in R.S. 22:1295.

(9) “Timber or agriculture transportation vehicle” means a vehicle or automobile used to collect and transport timber or agriculture products, or used in the course and scope of a timber or agriculture business, or used by an authorized public agency.

(10) “Uninsured motorist coverage” means automobile coverage for a timber or agriculture transportation vehicle that includes any of the following:
   (a) Liability payment for bodily injury caused by the operator of a timber or agriculture transportation vehicle.
   (b) Collision coverage to provide payment for repairs or replacement of a timber or agriculture transportation vehicle.
   (c) Comprehensive coverage to provide payment to repair or replace the timber or agriculture transportation vehicle if it is damaged by some means other than a collision.
   (d) Uninsured motorist coverage as defined in R.S. 22:1295.

§4351.2 Authorization; trade or professional association; initial financial requirements

A.(1) Five or more Louisiana timber or agriculture operators that are not public entities, each of which has a positive net worth, is financially solvent, and is capable of assuming the obligations set forth under this Part, and that are all members of one or more bona fide trade or professional associations, may agree to pool liabilities of timber or agriculture transportation vehicle coverage as provided by this Part. This arrangement shall not be deemed to be an insurer or insurance and shall not be subject to the Louisiana Insurance Code, unless specifically referenced in this Part. The members of the arrangement likewise shall not be insurers or be subject to the Louisiana Insurance Code.

(2) An agreement to pool liabilities under this Part shall be set forth in an indemnity agreement signed by the members and fund representatives acknowledging and agreeing to the assumption of the liabilities as set forth in this Part.

(3) The arrangement shall not be a member insured of the Louisiana Insurance Guaranty Association or any other guaranty association or association, or the Louisiana Insurance Guaranty Association shall not be liable under any circumstances for any claims, or increments of any claims, made against the arrangement.

(4) The arrangement may include the establishment of a trust fund by a trade or professional association for its members, and the arrangement, whether a trust fund is established or not, shall be deemed to be an insurer or insurance and shall be subject to the Louisiana Insurance Code.

(5) A. The arrangement shall be governed by a board of trustees.
   B. The board of trustees shall be comprised of the following:
      (a) Five or more members of the association, at least one of whom shall be a resident of the state of Louisiana and shall be elected by the members of the association.
      (b) Three or more members of the association, at least one of whom shall be a resident of the state of Louisiana and shall be elected by the members of the association.
      (c) One or more members of the association, at least one of whom shall be a resident of the state of Louisiana and shall be elected by the members of the association.

(6) In order to maintain financial stability in the fund, the department shall at all times require one of the following:
   (i) Four or more members of the fund shall maintain a minimum combined net worth of one million dollars and a ratio of current assets to current liabilities of at least one-to-one.
   (ii) Five or more principals of the fund who have a combined net worth of one million dollars and a ratio of current assets to current liabilities of at least one-to-one.

(7) In order to further maintain the financial stability of the fund, the fund shall assess each member an amount which is equal to a certain percentage of the premium dollars owed by the member and the percentage shall be known as a reserve payment. The percentage amount to be paid by all members shall be approved by the department.

(8) “Fund” means the self-insurance fund established pursuant to this Part to provide automobile coverage for timber transportation vehicles, agriculture transportation vehicles, or a combination of both types of vehicles and shall be known as the Louisiana Agriculture Transportation Group Self-Insured Fund.

(9) “Fund” means the self-insurance fund established pursuant to this Part to provide automobile coverage for timber transportation vehicles, agriculture transportation vehicles, or a combination of both types of vehicles and shall be known as the Louisiana Agriculture Transportation Group Self-Insured Fund.

§4351.3 Financial statements

A.(1) Financial statements dated not less than one year prior to the application, and most current, shall be submitted to the department by the fund.

(2) Other financial information and documents as required by the department shall be submitted to the department by the fund.

(3) The fund shall submit to the department an application, on an application form prescribed and furnished by the department, for authority to act as a group self-insurance fund for timber and agriculture transportation vehicle coverage. The application shall include evidence of the fund’s liquidity, which establishes financial strength and liquidity of the members to pay timber and agriculture transportation vehicle claims promptly and support the financial ability of the fund to satisfy its obligations upon the establishment of the fund, including:
   (a) Financial statements dated not less than one year prior to the application, and most current, shall be submitted to the department by the fund.

(4) Current financial statements of all other members dated not less than one year prior to the application.

(5) Applications shall be submitted to the department at least ninety days...
prior to the effective date of the establishment of a fund. Any application submitted with fewer than ninety days remaining before the desired effective date shall be returned without review by the department. Any application containing answers to all questions, or which is not sworn to and subscribed before a notary public, or which does not contain all required documents, statements, reports, and required information, may be returned without review by the department.

(ii) Security as required by this Part

(iii) Copies of acceptable excess insurance or reinsurance, as required by this Part.

(iv) A bond covering each third-party administrator as provided by this Part. If the fund employs its own administrator, the bond shall be required to purchase a bond, errors-and-omission insurance, directors-and-officers insurance, or other security approved by the department for the administration of the fund.

(v) A certification from a designated depository attesting to the amount of monies on hand.

(vi) Copies of fund bylaws and any trust agreement or other governance documents.

(vii) Individual application of each member of the fund applying for membership in the fund or the effective date of the fund and copies of each member's executed indemnity agreements.

(viii) Evidence of financial strength and liquidity of the members dated as of the date of the filing of the application to satisfy the financial strength and liquidity requirements of this Part.

(ix) Proof that the fund shall have the minimum annual earned normal premium required by this Part.

(x) The current annual report or financial statement of any casualty insurance company providing excess or reinsurance coverage for the fund meeting the requirements of this Part. If the statement is not already on file with the department.

(xi) The name, address, and telephone number of each attorney representing the fund, each qualified actuary who will be auditing the annual financial statements of the fund, as required by this Part.

(xii) The domicile address in this state where the books and records of the fund will be maintained, and the state from which the fund will be administered.

(xiii) Proof of advance payment to the fund by each initial member of the fund of less than twenty-five percent of that member's first year estimated annually earned normal premiums.

(xiv) A feasibility study or other analysis prepared by a qualified actuary utilizing actual loss history of the initial members of the fund.

(xv) Pro forma financial statements projecting the first three years of operations of the fund based upon a feasibility study or other analysis prepared by a qualified actuary. The pro forma financial statements shall include a pro forma balance sheet, income statement, and statement of cash flow, each of which shall be prepared in accordance with generally accepted accounting principles.

(xvi) A copy of the fund's premium billing policy indicating whether the premium payments to the fund will be paid by members annually, monthly, quarterly, or any combination thereof.

§4351.3. Requirements for bonded funds

A. The fund established pursuant to R.S. 3:4351.2 shall:

(1) File rates in accordance with R.S. 3:4351.7 and maintain at least seven hundred fifty thousand dollars in earned premiums in the first fund year. For the second and each subsequent year, the fund shall maintain at least two million dollars in earned premiums. The amounts maintained shall be documented on the fund's audited financial statement prepared in accordance with generally accepted accounting principles.

(2) During the first fund year, deposit with the department a safekeeping receipt or trust receipt from a bank doing business in this state or from a savings and loan association chartered to do business in the state indicating that the fund has deposited and has pledged one hundred thousand dollars in a bank doing business in this state or from a savings and loan association chartered to do business in the state, or post a surety bond issued by a corporate surety company having a rating of A- by A.M. Best Company, A- by Fitch Ratings, A by Weiss Ratings, A by Standard & Poor's, or A3 by Moody's Investors Service, or better, and this reinsurance coverage may be purchased from admitted or nonadmitted insurance companies, provided that the provisions of R.S. 22:651 through R.S. 22:656, R.S. 22:657, and R.S. 22:658.1 shall be updated by the Financial Accounting Standards Board, shall apply to all such reinsurance. All excess insurance policies or reinsurance agreements shall be approved by the department prior to use by the fund.

B. The fund shall also file with the department its annual financial statements and reports, including financial statements prepared by a certified public accountant or other entity having, other than bookkeeping, or auditing, or claims investigation services to the fund.

§4351.4. Investments

A. No security or other investment shall be eligible for purchase by the fund unless it is interest-bearing or interest-accruing or has a maturity date of not more than the fund's five-year term. Any fund shall be entitled to receive for its exclusive account and benefit the interest or income accruing thereon.

B. Any fund may invest in government guaranteed or sponsored securities and collateralized mortgage obligations issued by the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Housing Administration, without limitation, provided that the collateralized mortgage obligations have a minimum rating of

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of A by Moody's, Standard & Poor's, or Fitch.

(4) Obligations of the state of Louisiana or its subdivisions having a minimum rating of A by Moody's, Standard & Poor's, or Fitch. Not more than five percent of the fund's assets may be invested in any particular issue and the type of investment cannot exceed fifteen percent of the fund's assets in the aggregate.

(5) Obligations of any state or its subdivisions having a minimum rating of A by Moody's, Standard & Poor's, or Fitch. Not more than five percent of the fund's assets may be invested in any particular issue and the type of investment cannot exceed fifteen percent of the fund's assets in the aggregate.

(6) Commercial mortgage-backed securities with purchases having a minimum rating of A by Moody's, Standard & Poor's, or AA by Fitch. Not more than two percent of the fund's assets may be invested in one issue, and this type of investment shall not exceed ten percent of the fund's assets in the aggregate.

(7) Corporate bonds, subject to the following limitations:
   (a) The bonds shall have a minimum rating of Baa by Moody's, BBB by Standard and Poor's, or BBB by Fitch.
   (b) Except as provided in Subparagraph (d) of this Paragraph, not more than ten percent of the fund's assets may be invested in corporate bonds of any particular issue or issuer.
   (c) Except as provided in Subparagraph (d) of this Paragraph, not more than fifty percent of the fund's assets may be invested in corporate bonds of one issuer.
   (d) The five percent and fifty percent limitations specified in Subparagraphs (b) and (c) of this Paragraph, respectively, may be exceeded up to an additional ten percent of the fund's assets in the event, and only in the event, of financial circumstances acceptable to the department, such as an increase in market value of the purchased bond.

(8) Equity sector shall not exceed fifteen percent of the overall investment fund.

(9) The equity sector shall not exceed fifteen percent of the fund's assets in the aggregate.

(10) Mutual or trust fund institutions registered with the Securities and Exchange Commission under the Securities Act of 1933 and the Investment Company Act of 1940 which have underlying investments consisting solely of securities approved for investment as set forth in this Subsection. This type of investment shall not exceed fifty percent of the fund's assets in the aggregate.

(11) Equities subject to all of the following limitations:
   (a) The equity sector shall not exceed fifteen percent of the overall investment fund.
   (b) A minimum of five different issues shall be held in the equity sector to provide for diversification.
   (c) No single issue may represent more than five percent, at cost, of the overall investment fund.
   (d) Market capitalization of each issue shall be at least one billion dollars.
   (e) Each eligible issue shall be paying a cash dividend.
   (f) Except as provided in Subparagraph (b) of this Paragraph, equity holdings shall be restricted to high quality, readily marketable securities corporations that are domiciled in the United States and that are actively traded on the major United States exchanges, including the New York Stock Exchange and the National Association of Securities Dealers Automated Quotation System (NASDAQ).
   (g) Foreign domiciled corporations are eligible if they trade American Depository Receipts on the major United States exchanges.
   (h) In lieu of individual securities, investment in a mutual fund or exchange traded fund which pays a dividend and consists of securities which have an average market capitalization of at least one billion dollars shall be permitted.
   (i) The same general quality constraints shall be met and the aggregate total of the funds, plus any individual securities, may not exceed fifteen percent of the overall investment fund.
   (j) The fund shall not invest in real estate, which for the purposes of this Section shall include but not be limited to any of the following:
      (1) Any item carried as an asset on the fund's balance sheet which is not, in fact, actually owned by the fund.
      (2) Any item carried on the fund's balance sheet, the ownership of which is subject to resolution, rescission, or revocation upon the fund's insolvency, receivership, bankruptcy, statutory supervision, rehabilitation, liquidation, or upon the occurrence of any other contingency.
      (3) Any item carried on the fund's balance sheet, for the fund pays a regular or periodic fee for the right to carry the item as an asset, whether the fee is characterized as a rental, a management fee, or a dividend paid on the asset by the department, or other periodic payment for such right. This provision is not intended to apply to leases capitalized under generally accepted accounting principles.
      (4) Any asset carried for investment by the fund on credit whereby the interest rate paid by the fund on its credit instrument is greater than the interest rate paid on the money borrowed by the purchased asset.
      (5) Any item carried by the fund as an asset on its balance sheet which is subject to a mortgage, lien, privilege, preference, pledge, charge, or other encumbrance which is not accurately reflected in the liability section of the financial statements of the fund.
      (6) Any asset received by the fund as a contribution to capital or surplus from any person which meets any of the criteria set forth in Paragraphs (1) through (5) of this Section while in the hands of that contributing person, or after such investment, unless such contribution is secured capital, or thereafter.

$4351.3 Authority of Department of Insurance

A. The fund shall not become operative until issued a certificate of authority by the department. Except for the certificate of authority, the department shall keep confidential all documents and records associated with the provision of this Section.

B. The certificate of authority shall be continuous until revoked or suspended by the department, or until it is voluntarily surrendered by the fund.

C. (1) The department shall have the authority to examine the affairs, books, transactions, workpapers, files, accounts, records, assets, and liabilities of the fund to determine compliance with this Part and with any rules and regulations promulgated by the department or orders and directives issued by the department. In addition, to the extent necessary and material to the discharge of its duties by the department, the fund shall make available to the department all records, books, transactions, workpapers, files, accounts, and records of any underwriter, broker, investment advisor, or other third party business entity with which the fund transacts business.

D. The department shall have the authority to examine the affairs, books, transactions, workpapers, files, accounts, and records of the fund's administrator, service company, certified public accountant, or actuary, or any other person, pursuant to the authority of the department under this Part, shall be given confidential treatment and shall not be subject to subpoena, except in the following circumstances:
   (a) Information sought has been provided pursuant to R.S. 3:4351.10(C) or R.S. 3:4351.11(I).
   (b) Documents sought are audited financial statements which have been filed with the department.

E. The department shall have authority to issue cease and desist orders and suspend or revoke the certificate of authority of the fund which the department determines is not in compliance with this Part or with any rules promulgated by the department pursuant to the Administrative Procedure Act. Such orders or suspensions or revocations issued by the department shall be in accordance with the provisions of this Subsection. The firm shall report its findings to the department.

F. (1) The department shall have the authority to examine the affairs, books, transactions, workpapers, files, accounts, and records of any other person, pursuant to the authority of the department under this Part, and shall be given confidential treatment and shall not be subject to subpoena, except in the following circumstances:
   (a) Information sought has been provided pursuant to R.S. 3:4351.10(C) or R.S. 3:4351.11(I).
   (b) Documents sought are audited financial statements which have been filed with the department.

G. The department shall have the authority to examine the affairs, books, transactions, workpapers, files, accounts, and records of any other person, pursuant to the authority of the department under this Part, and shall be given confidential treatment and shall not be subject to subpoena, except in the following circumstances:
   (a) Information sought has been provided pursuant to R.S. 3:4351.10(C) or R.S. 3:4351.11(I).
   (b) Documents sought are audited financial statements which have been filed with the department.

H. (1) The department is authorized to order the group self-insurance fund to submit a corrective action plan to the department for its approval to remediate any noncompliance or financial issues affecting the fund. This authority is in addition to any other authority the department holds.
   (2) The corrective action plan submitted by the fund to the department for its approval and include standards, time frames, and other parameters acceptable to the department. Any corrective action plan that is submitted to the department by the fund shall be kept confidential by the department.

I. (1) Without limiting the discretion of the department, the corrective action plan may include any of the following:
   (a) Mandatory training.
   (b) On-site or off-site monitoring and supervision of the activities of the fund.
for a specified period of time to determine progress regarding correction of deficiencies.
(d) The institution of measures to conserve or generate additional funding for the fund.
(e) The imposition of fines and penalties for any misconduct which contributed to the need for the imposition of the corrective action plan.
(f) The imposition of the corrective action plan approved by the department may result in any of the following:
   (a) The imposition of fines and penalties.
   (b) Revocation of the fund's certificate of authority.
(c) Disapproval of the plan of the fund into administrative supervision, pursuant to R.S. 22:731, et seq.
(d) Placement of the fund into receivership, pursuant to R.S. 22:2001, et seq.
§4351.6. Licensing of agents; claims against insurance agents
A. An agent soliciting membership in the fund shall be licensed by the department as a property and casualty producer, pursuant to R.S. 22:1571, et seq. No employee of a bona fide trade or professional association which has established the fund or employee of the fund shall be required to be licensed if the solicitation of membership for the fund is not the primary duty of the employee.
B. No action shall lie against an insurance producer or other person involved in the marketing, selling, or solicitation of participation in the fund authorized by this Part for any claims arising out of the insolvent of the fund or the inability of the fund to pay claims as the claims become due unless and until any claimant shall have first exhausted all remedies available to him against the members of the fund as provided by this Part.
§4351.7. Rates; filing; review of rate determination
A. The fund shall file rates on an actuarially justified basis with the department. The fund may use their rates sixty days after filing, unless the department disapproves the use of rates within the ninety-day period.
B. The fund shall provide a reasonable procedure for any member aggrieved by the request to request in written form a review of the application of the rating system for the coverage under the fund. The fund shall have thirty days from receipt to grant or deny the request in written form. If the fund rejects the request or fails to grant or reject the request within the thirty-day period, the member may, within thirty days of the expiration of the thirty-day period, appeal to the Department of Administrative Law to determine whether the rates are in accordance with the provisions of the Administrative Procedure Act. After the hearing, the administrative law judge may affirm, modify, or reverse the action taken by the fund.
§4351.8. Consecutive net losses
If the fund has three years of consecutive net losses on the audited financial statements of the fund, or two years of consecutive net losses on the audited financial statements of the fund in excess of five hundred thousand dollars or five percent of the premium of the latest audited financial statement, whichever is greater, an authorized representative of the fund shall:
(1) Attend a meeting with the department, the administrator of the fund, and the third-party administrator contracted or performing services for the fund, and the board of trustees to discuss the financial condition of the fund and to advise the department of the course of action the fund will take to obtain net incomes on subsequent audited financial statements.
(2) File with the department a written and signed plan from the fund's board of trustees describing the actions the fund will take to generate net incomes on subsequent audited financial statements.
(3) Submit an actuarial rate analysis, if an actuarial rate analysis was not performed for the previous fund year.
§4351.9. Insolvencies
A. In the event the fund is insolvent, then in addition to any other provision of law, the department shall require the fund to:
(1) Attend a meeting with the department, the administrator of the fund, and the third-party administrator contracted or performing services for the fund, and the board of trustees to discuss the financial condition of the fund and to advise the department of the course of action the fund will take to obtain net incomes on subsequent audited financial statements.
(2) Submit a plan to eliminate the insolvency, and may include an assessment of the members of the fund, a plan of action which the fund intends to eliminate the insolvent, and may include an assessment of the members of the fund. The fund shall also include the timetable for the implementation of the plan submitted by the fund and notify the fund of the plan's approval or disapproval within thirty days of the department's receipt of the plan.
B. Upon determination by the department that a plan submitted by the fund is not adequate or that the fund is not implementing a plan in accordance with the terms of the plan, it shall notify the fund in writing of the determination.
C. If the fund fails to file a plan to eliminate an insolvency as called for pursuant to this Section, or if the department notifies the fund that the plan has been disapproved or that the fund is not implementing the plan accordingly, the department may take any action it considers appropriate.
D. Nothing contained in this Subsection shall be construed to limit the authority of the department to terminate or suspend any examination in order to pursue other legal or regulatory action pursuant to the applicable laws of this state.
E. The department may recover all expenses incurred from the examination, investigation and court proceedings, including costs, fees, and expenses of any person or entity acting as an administrator or third-party administrator in this state for the group self-insurance fund.
F. The department may approve the use of rates within the ninety-day period.
G. The department may approve the use of rates within the ninety-day period.
H. The department may approve the use of rates within the ninety-day period.
I. The department may approve the use of rates within the ninety-day period.
J. The department may approve the use of rates within the ninety-day period.
conduct the examination and to compile and prepare a report thereon, and the compensation for such examination shall be fixed according to the time devoted to the work, including conducting the examination and compiling the report thereon, as required by law. The compensation shall be reasonable and commensurate with the value of the services performed.

K. Upon completion of the examination of the group self-insurance fund or at stated periods during an examination, the department shall forward to the group self-insurance fund a statement showing the amount of expenses incurred in the examination to the date of the statement. Upon receipt, the group self-insurance fund shall pay the amount of expenses to the department.

L. If the group self-insurance fund considers the amount of expenses billed to be more than the amount of expenses incurred, it may within fifteen days after the receipt of the billing file a rule to show cause in a court of competent jurisdiction upon the department as to the reasonableness and legality under this Part of the amount of expenses billed to it by the department, and the rule shall be tried by preference, and upon appeal, shall be heard in the appellate court, as provided by the laws of this state for other state cases.

M. If the group self-insurance fund fails or refuses to pay the expenses of examination as billed by the department after fifteen days from the receipt of the billing file after final judgment of the court where a rule has been filed as provided in this Part, then the department may suspend or revoke the certificate of authority of such group self-insurance fund to do business in this state until the full amount of the bill is paid.

§ 3451.11 Examination reports

A. All examination reports shall be comprised only of facts appearing upon the books, records, or other documents of the group self-insurance fund or as ascertained from the testimony of its officers or agents or other persons examined concerning its affairs, and any conclusions and recommendations the examiners find reasonably warranted from the facts. The department shall keep confidential all documents and records associated with the provision of this Section.

B. Not later than sixty days following completion of the examination, the examiners in charge shall file with the department a verified written report of examination under oath. Upon receipt of the verified report, the department shall transmit the report to the fund examined, together with a notice which shall afford the fund examined a reasonable opportunity, of not more than thirty days, to file written or oral rebuttal with respect to any matters contained in the examination report.

C. Within thirty days of the end of the period allowed for the receipt of written submissions or rebuttals, the department shall fully consider and review the report, together with any written submissions or rebuttals and any relevant portions of the examiner's work papers, and enter an order for one of the following:

(1) Adoption of the examination report as filed, or with modifications or corrections. If the examination report reveals that the group self-insurance fund is operating in violation of any law, rule, regulation, or prior order or directive of the department, the department may order the fund to take any action the department determines is necessary and appropriate to cure the violation.

(2) Rejection of the examination report with direction to the examiners to reopen the examination for purposes of obtaining additional documentation, data, information, and testimony.

D. Within thirty days of rejection by the department of an examination report in accordance with Paragraph (C)(2) of this Section, unless the examination is not conducted in good faith while carrying out the provisions of this Part, the department shall file with the department a verified written report of examination, as may be modified or corrected, under oath. Upon receipt of the refiled verified report, the department shall transmit the refiled report to the fund examined, together with the notice provided by the department in Paragraph (C)(2) of this Section, except that the notice shall indicate that the report is a refiled report.

E. Within thirty days of the end of the period allowed for the receipt of written submissions or rebuttals, as provided for in Subsections B and D of this Section, the department shall fully consider and review the refiled report, together with any written submissions or rebuttals and any relevant portions of the work papers of the examiner, and enter an order for one of the following:

(1) Adoption of the examination report as refiled or with modification or corrections. If the refiled examination report reveals that the group self-insurance fund is operating in violation of any law, rule, regulation, or prior order or directive of the department, the department may order the fund to take any action the department considers necessary and appropriate to cure the violation.

(2) Rejection of the examination report and referral of the matter for hearing before an administrative law judge within the division of administrative law in accordance with the provisions of the Administrative Procedure Act for purposes of obtaining additional documentation, data, information, and testimony.

F. All orders entered pursuant to Paragraph (C)(1) or (E)(1) of this Section shall be accompanied by findings and conclusions resulting from consideration by the examiners of the facts, findings, and conclusions of the examination report, relevant examiner work papers, and any written submissions or rebuttals. Any order shall be served upon the fund by certified mail, together with a copy of the adopted examination report. Within thirty days of the issuance of the adopted report, the trustees of the group self-insurance fund shall state, under oath, that they have received a copy of the adopted report and related orders.

G. Within thirty days of receiving notification of the department's order pursuant to Paragraph (E)(1) of this Section, the group self-insurance fund may petition the department for an administrative law hearing in accordance with the provisions of the Administrative Procedure Act.

H. (1) The hearing provided for under Subsection G of this Section shall be conducted as required by the Administrative Procedure Act. At the hearing, the examiner or examiners, the department, and any person for the act of communicating or delivering information or data to the department by the department during the course of a financial review shall subject the recipient agrees to maintain the confidentiality of those documents which are confidential under the laws of this state.

(2) No cause of action shall arise nor shall any liability be imposed against the department, the authorized representative of the department, or any other person, in the course of an examination made under this Part, or pursuant to the authority of the commissioner under this Part, or the examiner in charge or any examiner or any other person, in the course of an examination made under this Part, for any communication or delivery of information or data as from time to time may be required by the department.

I. (1) No examiner may be appointed by the department if that examiner, either directly or indirectly, has a conflict of interest or is affiliated with the management or or owns a pecuniary interest in any person or entity subject to examination under this Part.

(2) Notwithstanding the requirements of this Section, the department may retain from time to time, on an individual basis, qualified actuaries, certified public accountants, or other similar individuals who are independently practicing their professions, even though those persons may from time to time be similarly employed or retained by persons subject to examination under this Part.

J. (1) No cause of action shall arise nor shall any liability be imposed against the department, any state or any other person, in the course of an examination made under this Part, or pursuant to the authority of the commissioner under this Part, for any communication or delivery of information or data as from time to time may be required by the department.

(2) If an examination report or any other person, in the course of an examination made under this Part, or pursuant to the authority of the commissioner under this Part, for any communication or delivery of information or data as from time to time may be required by the department.

K. (1) No examiner may be appointed by the department if that examiner, either directly or indirectly, has a conflict of interest or is affiliated with the management or or owns a pecuniary interest in any person or entity subject to examination under this Part.

(2) Notwithstanding the requirements of this Section, the department may retain from time to time, on an individual basis, qualified actuaries, certified public accountants, or other similar individuals who are independently practicing their professions, even though those persons may from time to time be similarly employed or retained by persons subject to examination under this Part.

L. (1) No cause of action shall arise nor shall any liability be imposed against the department, the authorized representative of the department, or any other person, in the course of an examination made under this Part, or pursuant to the authority of the commissioner under this Part, or the examiner in charge or any examiner or any other person, in the course of an examination made under this Part, for any communication or delivery of information or data as from time to time may be required by the department.

(2) No cause of action shall arise nor shall any liability be imposed against the department, the authorized representative of the department, or any other person, in the course of an examination made under this Part, or pursuant to the authority of the commissioner under this Part, or the examiner in charge or any examiner or any other person, in the course of an examination made under this Part, for any communication or delivery of information or data as from time to time may be required by the department.

M. (1) In addition to those examinations performed by the department pursuant to R.S. 3451.10, the department shall conduct financial reviews of the group self-insurance fund. The reviews shall include the audited financial statements of the group self-insurance fund rendered pursuant to generally acceptable accounting principles, results of prior examinations and office of competent jurisdiction upon the department as to the reasonableness and legality under this Part of the amount of expenses incurred in the examination to the date of the statement. Upon receipt, the group self-insurance fund shall pay the amount of expenses to the department.

(2) Failure by the group self-insurance fund to supply information requested by the department during the course of a financial review shall subject the group self-insurance fund to revocation of its authority to do business or in lieu thereof, a fine not to exceed ten thousand dollars per occurrence.

(3) All work papers, recorded information, and documents as well as all copies thereof produced by, or disclosed to the department, or any other person, in the course of conducting a financial review shall be subject to similar protection as provided by the department or any other person, except that any access may be granted to insurance departments of other states, international, federal or state law enforcement agencies or international, federal, or state regulatory agencies with statutory oversight over the financial services industry, if the department determines that regulatory action is appropriate as a result of any examination, it may initiate any proceedings or actions as provided by law.

(4) In conducting financial reviews, the examiner or examiners shall observe those guidelines and procedures as the department may deem appropriate.
(5) Nothing contained in this Part shall be construed to limit the department's authority to use any final or preliminary analysis findings, any department or fund investments, or any other information discovered or developed during the course of any analysis in the furtherance of any legal or regulatory action.

(6) The group self-insurance fund against whom a fine has been levied shall be given ten days notice of such action. Upon receipt of this notice, the insured may apply for and shall be entitled to an administrative hearing pursuant to the Administrative Procedure Act.

N. Nothing in this Section shall prohibit the legislative auditor from reviewing records and conducting an audit in accordance with R.S. 24:513.

§4351.12. Authorization of the Department of Insurance to employ investigators

The department shall have authority to employ investigators to investigate complaints received against the group self-insurance fund authorized to do business in this state and against any unauthorized group self-insurance fund that is reported to be operating in this state.

§4351.13. Disclosure

A. It shall be unlawful for any person who is an officer, trustee, employee, administrator, agent, or representative of the group self-insurance fund, as well as any person, partnership, corporation, banking corporation, or any other legal entity which performs any service for the group self-insurance fund, or prepares any report, audit, financial statement or report for, or makes any representation on behalf of, for, or with regard to the group self-insurance fund, in connection with any investigation, or examination authorized by this Part, to act with the specific intent to do any of the following:

(1) Represent falsely, directly or indirectly, to the department or any employee, trustee or administrator of the department, that an asset of such group self-insurance fund is unencumbered, or to misrepresent any other material fact pertaining to the status of any asset or liability of the group self-insurance fund.

(2) Materially misrepresent to the department, or any employee, trustee, or administrator of the department, the value of any asset or the amount of insurance that any person, partnership, corporation, banking corporation, or other legal entity, holding fund associated therewith, provided that with regard to a material misrepresentation of the value of any asset or liability, any deviation from the actual value of such assets or liability which results from utilization of any information material to the investigation or examination conducted by the department and examiners and administrators of the department.

(3) Fail to disclose to the department the existence of any liability of the group self-insurance fund, or affiliate, subsidiary, or holding company associated therewith when such disclosure is properly requested or required in writing by the department or any examiner or administrator of the department.

(4) Materially misrepresent, withhold, deny access to, or otherwise preclude the obtaining of any information properly requested in writing and in accordance with provisions of law affecting dissemination or disclosure of information by any governmental body, including but not limited to any examiner or administrator of the department, which is material and relevant to an examination properly conducted by the department and examiners and administrators of the department.

(5) Nothing contained in this Part shall be construed to limit the department's authority to use any final or preliminary analysis findings, any department or fund investments, or any other information discovered or developed during the course of any analysis in the furtherance of any legal or regulatory action.

(6) The group self-insurance fund against whom a fine has been levied shall be given ten days notice of such action. Upon receipt of this notice, the insured may apply for and shall be entitled to an administrative hearing pursuant to the Administrative Procedure Act.

A. Except as otherwise provided in this Section, for purposes of soliciting, selling, or negotiating the renewal or sale of group self-insurance coverage, an insurance agent or insurance broker shall have the exclusive use of expirations, records, or other written or electronic information directly related to the group self-insurance application submitted by or the group self-insurance policy written through an insurance agent or insurance broker. The group self-insurance fund shall not use expirations, records, or other written or electronic information to solicit, sell or negotiate the renewal or sale of insurance coverage, insurance products, or insurance services to the insured, either directly or by providing such information to others, without the express written consent of the insurance agent or insurance broker.

B. The expirations, records, or other written or electronic information may be used to review the group self-insurance application, to issue a policy, or for any other purpose necessary for placing such business through the insurance producer. The expirations, records, or other written or electronic information may be used to communicate with the producer, or to review the producer's other business.

C. The insurer which provides for payment of all outstanding liabilities and for any other purpose necessary for placing such business through the insurance producer. The expirations, records, or other written or electronic information may be used to communicate with the producer, or to review the producer's other business.

D. When the insurance agent has, by contract, agreed to act exclusively for one company or group of affiliated companies, in which case the rights of the agent shall be determined by the terms of the agent's contract with that company or affiliated group.

(2) When the insurance producer in default for nonpayment of premiums under the insurance agent's or insurance broker's contract or other agreement with the group self-insurer, unless there is a legitimate dispute as to monies owed.

(4) When the agency contract is terminated and the insurance company is required by law to continue coverage for the insured, in which event the insurance company shall continue to be entitled to the insurance agent or the insurance broker commissions on such policies that the company is required to renew during the thirty-six month period following the effective date of the termination. The commission shall be at the insurer's prevailing commission rate on the date generally accepted for that class of line of business in effect on the date of renewal for brokers or agents whose contracts are not terminated.

C. The insurance producer and insurer may in a written agreement separate from the agency contract, mutually agree to terms different from the terms of the contract, provided the provisions set forth in this section are met.

D. Except as provided in Subsection B of this Section, nothing in this Section shall be interpreted as impairing any rights in law or contract currently enjoyed by any party.

§4351.14. Departmental complaint; failure to comply; fines; hearing

Any person subject to the regulatory authority of the department who fails to comply with any directive issued by the department in connection with a consumer complaint shall be fined an amount not to exceed two hundred fifty dollars for each occurrence.

凡一段落的末尾以“and”字结尾的句子，都表示在这一段落中，后一个句子的内容与前一个句子的内容有关，因为后一个句子的内容都是建立在前一个句子的内容基础上的。
(4)(a) The intentional concealment on a person’s person of any switch blade knife, switchblade, or similar weapon which may be automatically unfolded or extended from a handle by the manipulation of a button, switch, latch, or similar contrivance located on the handle.

(4)(b) The provisions of this Paragraph shall not apply to the following:

(1) Any knife that may be opened with one hand by manual pressure applied to a blade in a fixed position.

(2) Any knife that may be opened by means of inertia produced by the hand, wrist, or other movement, provided the knife has either a folding or locking mechanism capable of preventing the blade from moving during the closing movement of the blade or a bias or spring load toward the closed position.

(5)(a) The intentional possession or use by any person of a dangerous weapon on a school campus during regular school hours or on a school bus. “School means any elementary, secondary, high school, or vocation school in this state and “campus” means all facilities and property within the boundary of the school property. “School bus” means any motor bus being used to transport children to and from school or in connection with school activities.

(5)(b) The provisions of this Paragraph shall not apply to:

(1) A police officer as defined by R.S. 14:30(B) in the performance of his official duties.

(ii) A school official or employee acting during the normal course of his employment or a student acting under the direction of such school official or employee.

(iii) Any person having the written permission of the principal or school board and engaged in competition or in marksmanship or safety instruction.

G.(1) The provisions of this Section except Paragraph (A)(4) of this Section shall not apply to sheriffs and their deputies, state and city police, constables and town marshals, or persons vested with police power when in the actual discharge of official duties. These provisions shall not apply to sheriffs and their deputies and state and city police who are not actually discharging their official duties but who, during any time they are not so discharging, are full time, active, and certified by the Council on Peace Officer Standards and Training and have on their persons valid identification as duly commissioned law enforcement officers.

(2) The provisions of this Section except Paragraph (A)(4) of this Section shall not apply to any law enforcement officer who is retired from full-time active law enforcement service with at least twelve years service upon retirement, nor shall it apply to any enforcement officer of the office of state parks, in the Department of Culture, Recreation and Tourism who is retired from active duty as an enforcement officer, provided that such retired officers have on their persons valid identification as retired law enforcement officers, which identification shall be provided by the entity which employed the officer prior to his or her public retirement. The retired law enforcement officer must be qualified annually in the use of firearms by the Council on Peace Officer Standards and Training and have proof of such qualification. This exception shall not apply to such officers who are medically retired based upon any mental impairment.

(3)(a) The provisions of this Section except Paragraph (A)(4) of this Section shall not apply to active or retired reserve or auxiliary law enforcement officers qualified annually by the Council on Peace Officer Standards and Training and who have on their person valid identification as active or retired reserve law or auxiliary municipal police officers. The active or retired reserve or auxiliary municipal police officer shall be qualified annually in the use of firearms by the Council on Peace Officer Standards and Training and have proof of such certification.

(b) For the purposes of this Paragraph, a reserve or auxiliary municipal police officer shall be defined as a volunteer, non-regular, sworn member of a law enforcement agency who serves with or without compensation and has regular police powers while functioning as such agency’s representative, and who participates on a regular basis in agency activities including, but not limited to those pertaining to crime prevention or control, and the preservation of the peace and enforcement of the law.

H.(1) Except as provided in Paragraph (A)(4) of this Section and in Paragraph (2) of this Subsection, the provisions of this Section shall not prohibit active justices or judges of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, city courts, federal courts domiciled in this state, and the justices, judges, and members of either house of the legislature, officers of either house of the legislature, the legislative auditor, designated investigative auditors, constables, coroners, designated coroner investigators, district attorneys and designated assistant district attorneys. United States attorneys and assistant United States attorneys and investigators, the attorney general, designated assistant attorneys general, and justices of the peace from possessing and concealing a handgun on their person when such persons are qualified annually in the use of firearms by the Council on Peace Officer Standards and Training.

Section 2. R.S. 14:95(A)(5) is hereby repealed in its entirety. Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 588

SENATE BILL NO. 45

BY SENATOR FOIL AND REPRESENTATIVES AMEEDE, BACALA, JEFFERSON, CHARLES OWEN, STAGNI AND WRIGHT

AN ACT

To amend and reenact R.S. 17:1948(A) and (E), to enact R.S. 17:1948(C)(9), and to repeal R.S. 17:1948(G), relative to students with exceptionalities; to require public school governing authorities to adopt policies relative to the installation of and operation of cameras in certain classrooms upon the request of a parent or legal guardian by December 31, 2022; and to provide for related matters.

Be it enacted by the Legislature of Louisiana: Section 1. R.S. 17:1948(A) and (E) are hereby amended and reenacted and R.S. 17:1948(C)(9) is hereby enacted to read as follows: "$1948. Cameras in certain classrooms; definitions; required policies; confidentiality; authorization of funding. A.(1) The governing authority of each public elementary and secondary school shall adopt policies relative to the installation and operation of cameras that record both video and audio in a classroom upon the written request of a parent or legal guardian. The policies shall be adopted not later than December 31, 2022, or within sixty days of the receipt of funding for the installation of cameras, whichever occurs first.

(2) Not later than January 15, 2023, each governing authority shall submit a copy of the policies adopted pursuant to this Section to the state Department of Education. Within ten days of any revision of the policies, each governing authority shall submit a copy of the policies to the department.

C. The policies shall include provisions for the following:

(9) Procedures regarding how a parent or legal guardian may request the installation and operation of cameras in his child’s classroom.

E.(1) The governing authority of each public elementary and secondary school is authorized to accept, administer, and make use of federal, state, and local funds, any public and private grants and donations, and, when considered appropriate and feasible, to accept nonmonetary resources in the form of services or equipment for use in connection with the installation and operation of cameras, provided such grants, donations, and resources are used to enhance the security and safety of students.

(2) Upon receipt of such funds, grants, donations, or nonmonetary resources, the governing authority shall install and operate the cameras according to the policies adopted pursuant to this Section.

Section 2. R.S. 17:1948(G) is hereby repealed.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 589

SENATE BILL NO. 90

BY SENATOR ROBERT MILLS

AT

To amend and reenact R.S. 22:1019.2(A), (B)(5), the introductory paragraph of (C), and (D), relative to network adequacy for health benefit plans; to provide for regulations to set standards by which to measure network adequacy; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana: Section 1. R.S. 22:1019.2(A), (B)(5), the introductory paragraph of (C), and (D) are hereby amended and reenacted to read as follows: "$1019.2. Network adequacy A. A health insurance issuer providing a health benefit plan shall maintain a network that is accessible in numbers and types of health care providers to all covered persons. Subpart 1. Each health care healthcare services to covered persons will be accessible without unreasonable delay. In the case of emergency services, all covered persons shall have access twenty-four hours per day, seven days per week. Sufficiently shall be determined in accordance with the requirements of this Subpart. In determining sufficiency criteria, such the criteria shall include but not be limited to ratios of health care healthcare providers to covered persons by specialty, ratio of primary care providers to covered persons, geographic accessibility, waiting times for appointments with participating providers, hours of operation, and volume of technological and specialty services available to serve the needs of covered persons requiring technologically advanced or specialty care. B.(1) * * *

(5)(a) Beginning January 1, 2014, except as otherwise provided in Subparagraph (b) of this Paragraph, a health insurance issuer shall annually file with the commissioner, an access plan meeting the requirements of this 

* * *
Subpart for each of the health benefit plans that the health insurance issuer offers in this state. Any existing, new, or initial filing of policy forms by a health insurance issuer shall include the network of providers that shall be used in connection with the policy forms. If benefits under a health insurance policy do not rely on a network of providers, the health insurance issuer shall state such fact in the policy form filing. The health insurance issuer may request the commissioner to do so consider sections of the access plan to contain proprietary or trade secrets information that shall not be made public in accordance with the Public Records Law, R.S. 44:1 et seq., or to contain protected health information that shall not be made public in accordance with R.S. 22:42.1. If the commissioner concurs with the request, those sections of the access plan shall not be subject to the Public Records Law or shall not be made public in accordance with R.S. 22:42.1 as applicable. The health insurance issuer shall make the access plans, absent any such proprietary or trade secret information and protected health information, available and readily accessible on its business premises and shall provide such plans to any interested party upon request, subject to the provisions of the Public Records Law and R.S. 22:42.1.

(4) In lieu of meeting the filing requirements of Subparagraph (a) of this Paragraph, a health insurance issuer shall, beginning January 1, 2014, execute the requirements provided in Subparagraph (b) of this Paragraph, shall submit proof of accreditation from the National Committee for Quality Assurance (NCQA) or American Accreditation Healthcare Commission, Inc. (JCAHO) to the commissioner, including an affidavit and sufficient proof demonstrating its accreditation for compliance with the network adequacy requirements of this Subpart. The affidavit shall include sufficient information to notify the commissioner of the health insurance issuer’s accreditation and shall include a certification that the health insurance issuer’s network of providers includes healthcare providers that specialize in mental health and substance abuse services and providers of mental health and substance abuse services, and that the health insurance issuer complies with the provider directory requirement contained in Paragraph (4) of this Subsection. The commissioner may, at any time, recognize accreditation by any other recognized organization or entity that accredits health insurance issuers; however, such entity’s accreditation process shall be equal to or have comparative standards for review and accreditation of network adequacy.

(5) A health insurance issuer that has submitted an application for accreditation pursuant to NCQA or JCAHO prior to December 31, 2013, but has not yet received such accreditation by January 1, 2014, shall be deemed accredited for the purposes of this Subpart upon submission of an affidavit to the commissioner by January 1, 2014, demonstrating that the issuer is in the process of accreditation. Upon such demonstration, the issuer shall submit proof of such accreditation to the commissioner pursuant to Subparagraph (b) of this Paragraph. However, in the event that the issuer withdraws its application for accreditation or does not receive accreditation prior to July 1, 2015, such issuer shall file an access plan with the commissioner pursuant to Subparagraph (a) of this Paragraph within sixty days of such withdrawal or denial.

(6) If a health insurance issuer that has submitted proof of accreditation to the commissioner subsequently loses such accreditation, the issuer shall promptly notify the commissioner and file an access plan with him pursuant to Subparagraph (a) of this Paragraph within sixty days of the loss of such accreditation.

(7) A health insurance issuer submitting proof of accreditation or an affidavit demonstrating that the issuer is in the process of accreditation shall maintain an updated access plan, and such access plan shall be in accordance with the requirements of the accrediting entity.

A health insurance issuer not submitting proof of accreditation shall file an access plan for written approval from the commissioner for existing health benefit plans and prior to offering a new health benefit plan. Additionally, a health insurance issuer shall inform the commissioner when if the health insurance issuer enters a new service or market area and shall submit an updated access plan demonstrating that the health insurance issuer’s network in the new service or market area is adequate and consistent with this Subpart. Each such access plan, including riders and endorsements, shall be identified by a form number in the lower left hand corner of the first page of the form. Such a health insurance issuer shall update an existing access plan whenever it makes any material change to an existing health benefit plan. Such an access plan shall describe or contain, at a minimum, each of the following:

* A health insurance issuer not submitting proof of accreditation shall file any proposed material changes to the access plan with the commissioner prior to implementation of any such changes. The removal or withdrawal of any hospital or multi-specialty clinic from a health insurance issuer’s network shall constitute a material change and shall be filed with the commissioner in accordance with the provisions of this Subpart. Changes shall be deemed considered approved by the commissioner after sixty days unless specifically disapproved in writing by the commissioner prior to expiration of such sixty days.

* As it appears in the enrolled bill
comprised of R.S. 22:2651 through 2657, relative to establishing a mediation program for a catastrophic event; to provide insurers an alternative way to resolve residential property insurance claims; to provide terms and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana: Section 1. Chapter 22 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:2651 through 2657, is hereby enacted to read as follows:

THE HURRICANE IDA MEDIATION PROGRAM

§2651. Short title

This Chapter shall be known as the “Hurricane Mediation Program”, hereinafter referred to as the “program”.

§2652. Purpose; public purpose

A. The purpose of this Chapter is to provide a nonadversarial alternate dispute resolution procedure that is prompted by the need for effective, fair, and timely handling of residential property insurance claims for residential property damage caused by a hurricane or other named windstorm event.

B. The purpose of this Chapter is to provide a public purpose and to be in the interest of the citizens.

C. An insured and insurer may agree to mediate and be subject to the provisions of this Chapter.

§2653. Conditions to request mediation

(1) The insurer shall bear the reasonable costs necessary to conducting mediation conferences. If the insurer fails to appear at the mediation conference, the conference shall be rescheduled upon payment by the insurer of the costs of a rescheduled conference.

(2) If the insurer fails to appear at the mediation conference, the insurer shall pay the insured’s actual cash expenses up to two hundred fifty dollars for any travel and reasonable expenses incurred in attending to and from the mediation conference, and pay any additional reasonable fees or costs incurred in rescheduling the mediation conference. The insurer’s failure to appear at the mediation conference may subject the insurer to enforcement consistent with the provisions of R.S. 22:1961, et seq., unless the insurer’s failure to attend was due to good cause.

(3) Lack of the insurer’s representative to appear with settlement authority shall be considered a failure of the insurer to appear at the mediation conference.

§2654. Firm and department mediation requirements

A. A mediation firm, hereinafter referred to as “firm”, that elects to participate in the program provided in this Chapter shall comply with all of the following:

(1) The firm contacts the department regarding participation in the program.

(2) The firm agrees to the terms and conditions set forth in this Chapter.

(3) The firm provides the department with its official name, contact information, and a municipal address.

(4) The firm is a public purpose provider of the citizens.

(5) Within five business days after receiving its assignment as the mediation firm, the firm shall provide written notice to the insurer and the insured of its acceptance of the assignment.

(6) The firm shall set the matter for mediation to occur within thirty days of assignment.

(7) The firm shall be in charge of the mediation and shall establish and describe the procedures to be followed. The firm shall conduct the mediation in accordance with the standards of professional conduct for mediation adopted by the American Bar Association pursuant to R.S. 9:4107.

(8) The firm may meet with the insurer and the insured separately to encourage meaningful communications, negotiations, and otherwise assist the insurer or the insured as the mediator deems advisable.

(9) All in-person mediations shall be conducted statewide in a metropolitan statistical area at an office or business location to be selected by the mediation firms. There shall be no charge to the insurer for use of the venue.

(10) The mediator and all other parties to the mediation are notified of the preferences in mediation that are described in this program.

(11) Any agreement between the insurer and the insured shall be reduced to writing.

(12) The insurer shall disburse to the insured the specific dollar amount agreed to within thirty days of the conclusion of the mediation.

(13) The insurer shall bear the reasonable costs necessary to conducting mediation conferences, except if the insured fails to appear at the mediation conference, the conference shall be rescheduled upon payment by the insurer of the costs of a rescheduled conference.

(14) If the insurer fails to appear at the mediation conference, the insurer shall pay the insured’s actual cash expenses up to two hundred fifty dollars for any travel and reasonable expenses incurred in attending to and from the mediation conference, and pay any additional reasonable fees or costs incurred in rescheduling the mediation conference. The insurer’s failure to appear at the mediation conference may subject the insurer to enforcement consistent with the provisions of R.S. 22:1961, et seq., unless the insurer’s failure to attend was due to good cause.

(15) If a partial settlement is reached and reduced to writing, the insured shall have three business days within which to rescind the settlement unless the insurer has cashed or deposited any check or draft as insurance for the dollar amount as agreed to in the mediation conference. If a settlement agreement is reached and is not rescinded, the written settlement agreement shall be binding and shall act as a release of all specific claims that were presented in that mediation conference.

(16) All statements made and documents produced at mediation shall be considered settlement negotiations in anticipation of litigation and the provisions of R.S. 9:4112 shall apply.

(17) Any agreement between the insurer and the insured shall be reduced to writing.

(18) The insurer and the insured shall sign the agreement and receive a copy of the agreement that has been reduced to writing.

(19) Mediation is voluntary and nonbinding. If a written settlement is reached, the insured shall have three business days within which to rescind the settlement unless the insured has cashed or deposited any check or draft as insurance for the dollar amount as agreed to in the mediation conference. If a settlement agreement is reached and is not rescinded, the written settlement agreement shall be binding and shall act as a release of all specific claims that were presented in that mediation conference.

(20) All statements made and documents produced at mediation shall be considered settlement negotiations in anticipation of litigation and the provisions of R.S. 9:4112 shall apply.

(21) If the insurer and the insured reach a partial agreement as to the disputed claim, the insurer and the insured may continue to utilize the service of the mediator at a settlement conference. If both parties agree to further mediation, the parties shall be responsible for any additional mediation expenses at the mediator’s standard rate.

(22) If a partial settlement is reached and reduced to writing, the insured shall have three business days within which to rescind the settlement unless the insurer has cashed or deposited any check or draft as insurance for the dollar amount as agreed to in the mediation conference.

§2655. Insider and insured requirements for mediation

The insurer and insured that elects to participate in mediation under the provisions of this Chapter shall agree to the following conditions:

(1) The insurer shall bear the reasonable costs necessary to conducting mediation conferences. If the insurer fails to appear at the mediation conference, the conference shall be rescheduled upon payment by the insurer of the costs of a rescheduled conference.

(2) If the insurer fails to appear at the mediation conference, the insurer shall pay the insured’s actual cash expenses up to two hundred fifty dollars for any travel and reasonable expenses incurred in attending to and from the mediation conference, and pay any additional reasonable fees or costs incurred in rescheduling the mediation conference. The insurer’s failure to appear at the mediation conference may subject the insurer to enforcement consistent with the provisions of R.S. 22:1961, et seq., unless the insurer’s failure to attend was due to good cause.

(3) Lack of the insurer’s representative to appear with settlement authority shall be considered a failure of the insurer to appear at the mediation conference.

§2656. Alternative dispute resolution disclosure notice

If the governor declares a state of emergency pursuant to R.S. 29:724 for a named windstorm event, an insurer writing residential property insurance in this state shall send a hurricane mediation program disclosure form to an insured who has filed a covered residential property insurance claim for property that is located within the geographic area of the named windstorm or windstorm that is subject to the declared state of emergency. An insurer shall send the disclosure notice prior to the initial investigation by either the United States or the state of Louisiana.
B. Appropriations from the Fund shall be restricted to the following purposes provided in this Subsection, and no annual appropriation for any one of the purposes enumerated in Paragraphs (1) through (4) of this Subsection may exceed fifty percent of the total amount of monies appropriated from the Fund in any fiscal year:

(3) Initiatives to benefit the citizens of Louisiana with respect to health care through:

(a) A program of research grants and projects that encourage the pursuit of innovation in advanced health care sciences; such program shall support clinical and laboratory research efforts based in Louisiana universities— as well as institutions represented in the membership of the Medical Education Commission as provided in R.S. 17:1519.4—and shall fund grants for both basic and applied research in advanced health care sciences; such program shall encourage institutional commitment and leveraging of state monies to secure private and federal funds and shall be administered by the Board of Regents through an objective, competitive process subject to peer review. The Board of Regents shall annually submit to the legislature and the governor, not less than forty-five days prior to the beginning of each regular session of the legislature, a proposed program and budget for the expenditure of the funds appropriated to the Board of Regents for these purposes.

(C) R.S. 17:1519.12 and 2048.51(C)(14) and (N) and R.S. 36:259(B)(22) are hereby repealed.

Health Education Authority of Louisiana

Section 3. (A) Chapter 21 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3051 through 3060, is hereby repealed in its entirety.

(B) R.S. 36:651(C)(6) is hereby repealed in its entirety.

(C) The commissioner of administration, hereby authorized to enter into such documents, contracts, agreements, covenants, conditions, stipulations, or other instruments and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title to any immovable property of Health Education Authority of Louisiana to the state of Louisiana. Any funds on deposit in the name of Health Education Authority of Louisiana not transferred to another entity or official shall be the property of the state and the state treasurer shall provide for the deposit of such funds in the state treasury to the credit of the state general fund, after deposit in the Bond Security and Redemption Fund as otherwise provided by law.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as set forth by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

AN ACT

To amend and reenact Code of Criminal Procedure Art. 331(A)(1), relative to bail; to provide relative to bail obligations after a conviction; to provide relative to the rights of the district attorney; to provide relative to the functional organization of state government by abolishing certain boards, commissions, authorities, districts, and like entities and the powers, functions, duties, responsibilities, and jurisdictions thereof; to provide for the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

AN ACT

To amend and reenact Code of Criminal Procedure Art. 331(A)(1), relative to bail; to provide relative to bail obligations after a conviction; to provide relative to the rights of the district attorney; to provide relative to the functional organization of state government by abolishing certain boards, commissions, authorities, districts, and like entities and the powers, functions, duties, responsibilities, and jurisdictions thereof; to provide for the day following such approval.

Approved by the Governor, June 17, 2022.
Section 1. R.S. 47:337.102(H) and (I)(1) are hereby amended and reenacted and R.S. 47:337.26(D)(1)(X) and 337.102(C)(10) are hereby enacted to read as follows:

§337.26. Contracts for purposes relating to collection of sales and use taxes

D. (1) Prior to initiating an examination or audit of a taxpayer, the local collector shall provide notice of the intent to audit which shall be sent by certified mail to the taxpayer at the taxpayer's last known address. Such notice shall:

* * *

(f) Beginning July 1, 2023, the notice shall advise the taxpayer that the taxpayer may request a multi-parish audit pursuant to R.S. 47:337.102.

§337.102. Louisiana Uniform Local Sales Tax Board; creation; membership; powers and duties

* * *

C. Powers and duties of the board. The board may:

(10) Hold an executive session pursuant to R.S. 42:16 for any of the reasons contained in R.S. 42:17 and for the discussion of matters involving confidential taxpayer information including policy advice, private letter rulings, multi-parish audits, or other matters. The records and files of the board held for the purpose of enforcement of the tax laws of this state and its political subdivisions shall be considered to be the files and records of a political subdivision of the state subject to the provisions of R.S. 47:1508 in the same manner as any other political subdivision enforcing tax laws related to sales and use taxes.

H. Multi-parish audits.

(1) The beginning July 1, 2022, the board may develop a coordinated and coordinate the multi-parish audit program which program.

(2) Multi-parish audit program.

(a) A multi-parish audit may be requested by a taxpayer having a location that:

(i) Has a location in the state and registered to file and remit local sales and use taxes pursuant to a local ordinance in at least three parishes.

(ii) Is not a recipient of a jeopardy assessment issued by any collector.

(iii) Is not a party to any litigation with any collector.

(b)(i) A taxpayer that qualifies may request a multi-parish audit from the board within thirty days from the issuance of a notice of examination from all of the parishes in which the taxpayer engaged in taxable transactions during the audit period.

(ii) The taxpayer shall notify the board of all parishes in which the taxpayer is a taxpayer arranged by the taxpayer.

(iii) The board shall notify any parish that opted out of the multi-parish audit of the multi-parish audit.

(iv) The board shall develop audit procedures, hearing procedures, and any other provision necessary for the implementation of the multi-parish audit program.

(c) The board shall select and compensate the auditors who will conduct the multi-parish audit. Nothing in this Subsection shall prevent a local collector from filing a protest that the taxpayer failed to disclose to the board.

(d) The board shall facilitate consistent treatment of taxability of transactions between parishes involved in a multi-parish audit.

(e) Each parish shall review the completed audit and shall make an independent determination regarding the issuance of a notice of intent to assess within forty-five days of receipt of the completed audit.

(f) Notwithstanding any provision of law to the contrary, a notice of intent to assess arising from a multi-parish audit shall interrupt prescription for the parish issuing the notice of intent to assess.

(g) The board shall notify any parish that opted out of the multi-parish audit that the audit has been completed within thirty days of the completion of the audit.

(h) After the issuance of the notices of intent to assess, the taxpayer may request a joint administrative hearing in which all parishes that opted into the multi-parish audit may participate. The board shall coordinate the hearing.

(i) The board shall develop audit procedures, hearing procedures, and any other provision necessary for the implementation of the multi-parish audit program.

(2) Beginning January 1, 2024, the board shall report annually to the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means on the multi-parish audit program. The report shall include the...
number of multi-parish audits that were requested by taxpayers and initiated in each fiscal year, the number of multi-parish audits that were completed in each fiscal year, and the number of multi-parish audits for which each parish had opted in and opted out. The report may include recommendations for legislation to streamline or improve the program and any other information the board determines to be relevant. The report prepared and provided pursuant to this Paragraph shall not violate any individual taxpayer’s confidential information under R.S. 47:1508.

I. Funding. (1) The board shall be funded through a dedication of a percentage of the total statewide collections of local sales and use tax on motor vehicles, as provided for in an agreement with local collectors and in accordance with the limitations provided in this Paragraph and the budgetary policy as provided in Paragraph (2) of this Subsection. Monies shall be payable monthly from the current collections of the tax. The dedication shall be considered a cost of collection and shall be deducted by the state and disbursed to the board prior to distribution of tax collections to local taxing authorities. The dedication shall be in addition to any fee imposed by the office of motor vehicles for the collection of the local sales and use tax on motor vehicles. The amount to be disbursed to the board in any fiscal year after Fiscal Year 2018-2019 shall not, under any circumstances and notwithstanding any budget adopted by the board, exceed the following:

(a) In Fiscal Year 2017-2018, one-fifth of one percent of the collections.
(b) In Fiscal Year 2016-2019, one-quarter of one percent of the collections.
(c) In Fiscal Year 2020 and each fiscal year thereafter, three-tenths of one percent of the collections.

Section 2. This Act shall become effective on July 1, 2022; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or July 1, 2022, whichever is later. Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

SENATE BILL NO. 167
BY SENATORS TALBOT, BARROW, CARTER, HENSGENS, LUNEAU, MCMATH, FRED MILLS, MIZZELL AND POPE

AN ACT
To amend and reenact R.S. 40:2009.25(A), (C) through (E), and (I) and to enact R.S. 40:1563(N), relative to emergency preparedness plans for nursing homes; to provide for the duties of the state fire marshal; to provide for the duties of the Louisiana Department of Health; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2009.25(A), (C) through (E), and (I) are hereby amended and reenacted and R.S. 40:1563(N) is hereby enacted to read as follows:

§40:2009.25. Emergency preparedness plans for nursing homes; applicable parishes; requirements; Nursing Home Emergency Preparedness Review Committee; rules and regulations; application.
A. Due to the threat hurricanes pose to the parishes of Acadia, Ascension, Assumption, Calcasieu, Cameron, Iberia, Jefferson, Jefferson Davis, Lafayette, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary, St. Martin, St. Tammany, Tangipahoa, Terrebonne, and Vermilion, nursing homes located in these parishes shall develop an emergency preparedness plan which shall be submitted to the Louisiana Department of Health, bureau of health services financing, emergency preparedness manager, by August 1, 2006.

C. Each summary of the emergency preparedness plan shall include and identify at a minimum:

(1) A primary sheltering host site outside the area of risk, verified by written agreements or contracts and any other alternative sheltering host sites that the nursing home may have.
(2) Proof of transportation or a contract with a transportation company, verified by a written transportation agreement or contract.
(3) Staffing patterns for evacuation, including contact information for such staff.
(4) A detailed plan to address emergency power in the event of the loss of primary electrical power in that nursing home if evacuation from the nursing home is not required.

§40:1563. Powers and duties generally; use of deputys; responsibilities of local governing authorities with fire prevention bureaus; open structures and process structures; fees.

N. The fire marshal shall take all steps necessary and proper to perform inspections as required by R.S. 40:2009.25.

§40:2009.25. Emergency preparedness plans for nursing homes; applicable parishes; requirements; Nursing Home Emergency Preparedness Review Committee; rules and regulations; application.
A. Due to the threat hurricanes pose to the parishes of Acadia, Ascension, Assumption, Calcasieu, Cameron, Iberia, Jefferson, Jefferson Davis, Lafayette, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary, St. Martin, St. Tammany, Tangipahoa, Terrebonne, and Vermilion, nursing homes located in these parishes shall develop an emergency preparedness plan which shall be submitted to the Louisiana Department of Health, bureau of health services financing, emergency preparedness manager, by August 1, 2006.

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§40:1563. Powers and duties generally; use of deputys; responsibilities of local governing authorities with fire prevention bureaus; open structures and process structures; fees.

N. The fire marshal shall take all steps necessary and proper to perform inspections as required by R.S. 40:2009.25.